



MINUTES  
OF THE  
MUNICIPAL COUNCIL  
OF THE  
TOWNSHIP OF SCARBOROUGH,  
FOR THE YEAR 1864,  
TOGETHER WITH THE TOWNSHIP ACCOUNTS.

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TORONTO:  
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1865.



# MINUTES OF COUNCIL.

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## FIRST MEETING

*Of the Municipal Council of the Township of Scarboro', held  
pursuant to Statute, on Monday, 18th January, 1864, at Mr.  
Wm. Johnston's.*

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The Clerk produced the Returns of the Elections for the several Wards of the Township, and declared the names of the persons elected Members of the Council for the current year, to wit :—

WARD No. 1..... THOMAS BROWN, Esq.  
WARD No. 2..... DONALD STEPHENSON, Esq.  
WARD No. 3..... JOHN CRAWFORD, Esq.  
WARD No. 4..... JOHN P. WHEELER, Esq.  
WARD No. 5..... WILLIAM CLARK, Esq.

The several Members elect having subscribed to the declarations of qualification and of office, the following motion was adopted :—

Mr. Clark, seconded by Mr. Brown, moved, that John P. Wheeler, Esq., be elected Town Reeve for the current year. Carried.

Mr. Wheeler, being duly elected Reeve for the current year, and having subscribed to the declaration of office as such, addressed the Council, thanking them for the honor they had conferred upon him, and for so many years heretofore.

The Reeve then took the chair.

Mr. Stephenson, seconded by Mr. Brown, moved, that John Crawford, Esq., be elected Deputy Reeve for the current year. Carried.

Mr. Crawford being duly elected Deputy Reeve for the current year, and having subscribed to the declaration of office as such, thanked the Council for the honor they had conferred upon him.

The Council then organized, and proceeded to business.

Presented by the Reeve, communication from Mr. Passmore, Surveyor, ordering the sum of twenty dollars to be paid to Mr. Brooks, on account of the survey.

Mr. Stephenson, seconded by Mr. Brown, moved, that this Council deem it inexpedient to pay any more money to Mr. F. F. Passmore, on account of the survey, until the same is completed. Carried.

Presented by the Reeve, communication from Wm. Helliwell, Esq., preferring certain charges against the Assessor and the Returning Officer of Ward No. 2. Read and laid on the table.

Mr. Crawford moved for leave to introduce a By-law for the appointing of Auditors. By-Law read the first time, and, on motion being put to suspend the rule as regards the same, the By-Law was read a second time.

The Council went into committee of the whole thereon.

Mr. Brown in the Chair.

The Committee rose; the Chairman reported the By-Law as amended; report received and adopted. The By-Law was read a third time and passed.

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#### BY-LAW No. 153,

##### *For the appointment of Auditors.*

The Corporation of the Township of Scarboro' enacts as follows:

That Christopher Thomson and James A. Thomson be, and they are hereby appointed, Auditors, at a salary of four dollars each.

Passed this 18th day of January, 1864.

(Signed) J. P. WHEELER,  
JAMES MOYLE, Clerk. Town Reeve.

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#### BY-LAW No. 154,

##### *For the appointment of Inspector of Licenses and Houses of Public Entertainment.*

The Corporation of the Township of Scarboro' enacts as follows:

That James A. Thomson be, and he is hereby appointed,

Inspector of Licenses and Houses of Public Entertainment, at a salary of fifteen dollars for the current year.

Passed this 18th day of January, 1864.

(Signed) J. P. WHEELER,  
JAMES MOYLE, *Clerk.* Town Reeve.

Mr. Crawford, seconded by Mr. Brown, moved, that the communication of Wm. Helliwell, Esq., preferring certain charges against the Assessor and the Returning Officer of Ward No. 2, be heard at next meeting of the Council, and that the Clerk do notify all parties concerned of said meeting. Carried.

Mr. Crawford, seconded by Mr. Clark, moved, that the Treasurer be and he is hereby authorized to purchase a Debenture of four hundred dollars, issued by the Trustees of School Section No. 6, dated the thirteenth day of January, 1864, bearing interest, payable yearly, at eight per cent. per annum. Carried.

Mr. Stephenson, seconded by Mr. Clark, moved, that this Council do now adjourn to meet again on Monday, the 15th February, 1864. Carried.

Scarboro', January 18th, 1864.

(Signed) JOHN P. WHEELER,  
JAS. MOYLE, *Clerk.* Town Reeve.

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## SECOND MEETING

*Of the Municipal Council of the Township of Scarboro', held pursuant to adjournment.*

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MONDAY, February 15th, 1864.

MEMBERS PRESENT.—John P. Wheeler, Esq., *Reeve*; John Crawford, Esq., *Deputy Reeve*; Thomas Brown, Esq., Donald Stephenson, Esq., William Clark, Esq.

Minutes of preceding meeting read and confirmed.

Mr. Crawford, seconded by Mr. Clark, moved, that the Reeve is hereby instructed to take the opinion of M. C. Cameron, Esq., on the agreement between this Corporation and F. F. Passmore,

surveyor, for the survey of this township, also what course will be best for the Corporation to pursue for the completion of said survey. Carried.

Mr. Brown, seconded by Mr. Stephenson, moved, that the Clerk be, and he is hereby authorized and required, to get printed, at as cheap a rate as possible, three hundred and fifty copies of the minutes and accounts of this Corporation for 1863, as soon as the accounts are audited; and that sixty-five copies be given to each Councillor for distribution. Carried.

Presented by the Reeve, communication from the Rev. Mr. Belt, asking a grant to aid in holding a public examination and to purchase prizes.

Mr. Brown, seconded by Mr. Clark, moved, that Daniel Ferguson be appointed Assessor for the current year, at a salary of seventy dollars a year. Carried.

Mr. Crawford moved for leave to introduce a by-law for the appointment of Assessor. The by-law was read a first, second, and third time, and became law.

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BY-LAW No. 155,

*For the appointment of Assessor.*

The Corporation of the Township of Scarboro' enacts as follows:

That Daniel Ferguson be, and he is hereby appointed Assessor for the current year, at a salary of seventy dollars per annum.

Passed this 15th February, 1864.

(Signed)

J. P. WHEELER,

JAS. MOYLE, *Clerk.*

*Town Reeve.*

Mr. Stephenson, seconded by Mr. Brown, moved, that the sum of sixteen dollars be granted to the Rev. Mr. Belt, Local Superintendent, for the purpose of distributing prizes, and to pay the expenses of three School Superintendents, to be in attendance at the said school examination, to be held by him (Mr. Belt) on the first day of April, 1864, payable on order of the Reeve; upon which the yeas and nays were taken:—

YEAS—Mr. Brown, Mr. Clark, and Mr. Stephenson.

NAY—Mr. Crawford.

The motion was carried.

Presented by Mr. Stephenson, petition of Thomas Laskey, praying for the remittance of his fine, payable to the township.

Mr. Stephenson, seconded by Mr. Brown, moved, that this Council deem it inexpedient to interfere with the decision of the magistrates in the case of Thomas Laskey. Carried.

Mr. Stephenson, seconded by Mr. Brown, moved, that the request of Thomas Laskey for seven dollars and forty-one cents, in the case of Mrs. Parson, be not paid, as this Council is not liable for said cost. Lost.

Moved by Mr. Clark, seconded by Mr. Brown, and resolved, that in the opinion of this Council the charges preferred by William Helliwell, Esq., at last meeting of this Council, against the Returning Officer of Ward No. 2 and the Assessor, have not been sustained. Carried.

Mr. Crawford moved for leave to introduce a By-Law to provide for the granting of Certificates for Tavern Licenses, and for regulating the duties of Inspectors, and for the repeal of By-Law No. 146, and all other By-Laws heretofore passed by this Corporation, contrary to this By-Law.

Leave given. By-Law read first and second time.

On motion, the Council went into Committee of the whole thereon.

Mr. Brown in the chair.

Committee rose, and reported By-Law as amended; report received and adopted.

By-Law read a third time, and passed.

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#### BY-LAW No. 156,

*To provide for the granting of Certificates for Tavern Licenses, and for regulating the duties of Inspectors of Houses of Entertainment, and for the repeal of By-Law No. 146, and all other By-Laws heretofore passed by this Corporation contrary to this By-Law.*

1. Be it enacted by the Municipal Corporation of the Township of Scarboro', that from and after the passing of this By-Law, every keeper of a House of Entertainment, Inn, or Tavern, in the Township of Scarboro', shall have, and constantly keep, at least five comfortable beds, four separate bed-rooms, and two public or sitting

rooms, exclusive of the bed-rooms, the bar or tap-room, and other rooms required for the use of the family ; also, stabling for eight horses, with sufficient provender for the same, and also a driving-house and shed, sufficient for the accommodation of horses, cattle, &c. of travellers, requiring the same.

2. And be it enacted by the authority aforesaid, that the amount to be paid for a certificate to obtain a License from the Revenue Inspector, by the keeper of each Inn or Tavern, wherein spirituous liquors, ale, beer or cider, are sold by retail, shall be the sum of Thirty-three Dollars ; and all Licenses shall be taken out on or before the First day of March, in each year, and be in force for one year, and shall not be transferable without the assent in writing of the Inspector or Inspectors, and the approval of the Council first being obtained.

3. And be it enacted as aforesaid, that it shall not be lawful for any Inn or Tavern-keeper to sell, or give away, any intoxicating drinks upon the Sabbath day, or to allow such liquors to be drank in his or her house, or upon his or her premises, but that the bar or tap-room shall be kept closed upon that day ; provided always, that necessary refreshments shall be furnished to persons lawfully travelling upon that day ; nor shall it be lawful for any Inn or Tavern-keeper to give or sell any intoxicating liquors to persons addicted to drinking, after being notified to that effect by the friends of such persons, nor shall they sell or give away any spirituous liquors to any one already intoxicated, nor shall they allow persons to gamble or practice any species of gambling, nor shall they permit or suffer the use of any cards, dice or any other implement of gaming in his or her house, or upon his or her premises ; And each and every Inn or Tavern-keeper, in said Township, shall keep in some conspicuous place in the bar or tap-room a copy of this By-Law, and also a copy of the 1st, 2nd and 3rd sections of the 8th Vic., chap. 45 ; also the 6th, 7th, 8th and 13th sections, 13th and 14th Vic., chap. 27, to be furnished by the Municipality.

4. And be it enacted as aforesaid, that any Inn or Tavern-keeper, not conforming to the regulations contained in this By-Law, or by refusing necessary refreshments and lodging to persons lawfully travelling, or in want of such accommodation, reasonable remuneration being tendered, or shall knowingly suffer any person in his or her house, or upon his or her premises, to contravene

the same, or shall suffer conduct inconsistent with the spirit and intention of the foregoing provisions of this By-Law, shall forfeit and pay a sum of not less than Two Dollars, nor more than Fifty Dollars, upon conviction thereof before any Justice of the Peace for the County, upon the oath of one credible witness, which penalty, together with costs of prosecution, unless paid upon conviction, shall be levied and collected by distress and sale of the goods and chattels of the party so offending, by a warrant under the hand and seal of such convicting Justice ; and, in case sufficient distress cannot be found, it shall be lawful for such Justice to cause such offender or offenders to be committed to the Jail of the County for any period not exceeding twenty days, with or without hard labour ; and such penalty, so collected, shall be paid over by every such Justice, one-half to the Treasurer of the Township, for Township purposes, and the other half to the informer.

5. And be it enacted as aforesaid, that if any person shall keep an Inn or Tavern, or shall vend or barter any intoxicating drinks in his or her house, or upon his or her premises, without first having obtained a Certificate and also a License, as required by the 25th Victoria, chap. 6, he or she shall be liable to a penalty of not less than Two Dollars, nor more than Fifty Dollars for each such offence ; such penalty shall be levied, collected and disposed of as provided in cases of a contravention of this By-Law by Licensed Inn-keepers in the next preceding section.

6. And be it further enacted, that it shall be the duty of the Inspector or Inspectors of Licenses of Houses of Entertainment—First, to take and subscribe to the oath of office, as prescribed by Statute ; Secondly, to visit and examine the premises of each Inn or Tavern-keeper in the Township or Division, to which he or they may be appointed, in order to ascertain if they have the accommodations required by this By-Law ; Thirdly, to meet the Council at its last meeting in the month of February in each year, and report the result of such inspection, and such other matter as he or they may deem necessary, of which meeting at least six days' public notice shall be given by the Clerk in printed hand-bills, for the purpose of hearing and determining any charge or charges that any one may desire to prefer against the character or general fitness of intending applicants for certificates.

7. And be it further enacted, that every application for a Certificate for a License shall be accompanied by a petition praying

for the same, signed by at least thirty of the resident municipal electors of the Municipality.

8. And be it further enacted, that it shall be the duty of the Inspector or Inspectors of Licenses of Houses of Entertainment to prosecute any person or persons for violating the conditions or regulations contained in this By-Law, as shall come within his knowledge, or from credible information received, and for enforcing the penalties imposed upon such as contravene the same, and also all persons for selling contrary to their License, or for selling without a License ; and such Inspector or Inspectors, in default of discharging the duties imposed upon him or them by this By-Law, shall be liable to a fine of not less than Two Dollars, and not more than Twenty Dollars ; and in cases where the Inspector of Licenses is the prosecutor and fails to obtain a conviction, or on conviction, and the party committed to Jail for want of sufficient distress, the cost of such prosecution shall be borne by the Municipality.

9. And be it further enacted, that By-Law No. 146, and all other By-Laws heretofore passed by this Corporation, contrary to this By-Law, shall be and the same are hereby repealed.

Passed this 15th day of February, 1864.

(Signed) JOHN P. WHEELER,  
JAS. MOYLE, *Clerk.* *Town Reeve.*

Mr. Crawford, seconded by Mr. Clark, moved, that this Council do now adjourn, to meet again in this place on Monday next, the 22nd instant. Carried.

Scarboro', February 15th, 1864.

(Signed) JOHN P. WHEELER,  
JAMES MOYLE, *Clerk.* *Town Reeve.*

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### THIRD MEETING

*Of the Municipal Council of the Township of Scarboro', held  
pursuant to adjournment.*

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MONDAY, February 22nd, 1864.

MEMBERS PRESENT.—John P. Wheeler, Esq., *Reeve* ; John

Crawford, Esq., *Deputy Reeve*; Thomas Brown, Esq., Donald Stephenson, Esq., William Clark, Esq.

Minutes of preceding meeting read and confirmed.

Presented by the Reeve, communication from M. C. Cameron, Esq., giving his opinion on the survey made by Mr. Passmore, Land Surveyor, of this Township.

OPINION.—Re Acts 24 Vic., chap. 64, and 25 Vic., chap. 38, relating to the side-roads in the Township of Scarboro', and the agreement between the Corporation of that Township and F. F. Passmore, for the surveying and defining such roads, dated the 8th day of August, 1862.

By section one of the Act 24 Vic., chap. 64, it is provided, that "the several side-roads in the said Township, as laid out and improved, and travelled upon, lines formerly drawn for the respective allowances for road, and as the same shall hereafter be defined on the ground under the provisions of the Act, shall be, and the same are thereby declared to be the true and unalterable government allowances for road, one chain in width between the several lots, without regard to their direction, as being parallel or not, to the governing line of the concession, any law or usage to the contrary notwithstanding."

The reason and necessity for this enactment is by the preamble declared to be, "that the greater number of the side-road allowances between lots had been *opened up and travelled*, and statute labour and public moneys expended thereon for many years; that it had been discovered, upon recent and more correct surveys, that few, if any, of the said side-roads, as laid out formerly as aforesaid, and improved and travelled, are upon the true original allowances, &c.; that it was therefore desirable that the side-roads, where opened up and improved as aforesaid, should be established and confirmed for all future time upon the then present lines."

By section two, the Council of the Township was, within twelve months after the passing of this Act, to cause such a survey to be made by a provincial land surveyor, as would result in defining on the ground the precise lines of the said roads, as the same had been opened up and then existed; the same to be defined by permanent cut stone boundaries, properly marked, and planted at the front and rear angles of the concession, and copies of map, &c., to be deposited as therein provided.

From these provisions, it would seem that the Legislature intended to establish and confirm the side-roads in existence at the time of passing the Act, no matter how erroneously located, and also to have taken for granted that, in opening up the road, a width of one chain had been allowed; the duty of the surveyor therefore extended no further than to find where the lines of the road had been defined, and place monuments of a permanent character, so as to prevent doubt for the future.

Perhaps it was found as a fact, that the boundaries of the roads had not been sufficiently defined, and that sufficient data were not found to enable the surveyor to fix the position of the monuments, to determine where, in fact, the proper boundaries of the roads as opened were, and to remedy this the Act 25 Vic., chap. 38, was passed, and it now becomes a question whether this latter Act has founded a more certain guide to the surveyor than the former, and if so, what it is.

By section two of this latter Act it is provided, that the several side-roads in the township, as mentioned in the first section of the former Act, shall be drawn in a straight line from the centre of the road at present travelled, at the front line of the concession, to the centre of the road at the rear line thereof, anything in the said Act, expressed or implied, to the contrary notwithstanding.

The first difficulty that presents itself here is, to determine what is meant by the terms "present travelled road," or rather "road at present travelled." Do they mean merely the wagon track, or the allowance for road opened for travel. Taking the two Acts together, in my judgment, the latter is the correct interpretation, and in fact a more definite starting point to fix the boundaries of the roads by, has not been given by the amending Act, than was contained in the original; the proviso to this second clause also indicates the object of the amendment to be to allow a divergence from the road as opened, and defined where it did not keep a straight line between the front and rear of the concession. To hold that the centre of the track, as distinguished from the road allowance, was the point from which the straight line was to be drawn, would in some cases present this difficulty, of having two centres to start from. If the side-roads in Scarboro' present features that I have observed in other townships, for instance, where the side road is well-travelled and the concession line leads to places of importance on the right and left of the side-road, there will be found two distinct tracks, one turning to the right and the other to the left, leaving a space not travelled in the centre, in which case, how is the centre of the travelled road to be fixed, there being two tracks, and consequently two centres. The roads in Scarboro' may not present this difficulty, but if only one road is so situated, it would not be possible to define it under the Act. Moreover, it is not provided that the road shall be opened to the extent of thirty feet on each side of the line, drawn from the centre in front to the centre in the rear, which is another reason for holding that the "road at present travelled," means the road allowance as opened, and not the mere wagon track. The Act is imperfect and difficult of interpretation, and I would recommend, that when the survey is completed an Act should be passed to confirm it.

With respect to the unopened side-roads, the course to be pursued is clear; but no boundaries of such unimproved roads can be established where their course depends upon the course of the boundaries of an opened road, unless the boundaries of such opened road shall be legally determined under the Act. The directions in section 4, of the Act 25 Vic., ch. 38, are precise, and no difficulty will arise in following them, except such as may be occasioned by incorrectly defining the course of the already opened road, which will govern the position of the boundaries of the unopened road in the rear.

If Mr. Passmore has taken the centre of the allowance for road, instead of the centre of the mere wagon-track, in defining the true position of the boundaries of the side-roads already opened, I think he has proceeded in accordance with the intention of the Act, to be gathered from the language thereof, though perhaps not in accordance with what the promoters and framers intended, and an Act of Parliament must be interpreted with its spirit and language expressed.

With reference to the agreement with Mr. Passmore, I am of opinion that he was not entitled to be paid anything until he completed the work.

Second. That by the terms of the agreement the stone monuments should be three feet six inches in length, and should be sunk in the ground so as to leave a projection of only six inches above the ground, and that a failure to perform the agreement in this respect will deprive him of the right to be paid the contract price for his work.

Third. That he should be allowed to complete his work without interference by the Council or its officers, except by notifying him where, in the opinion of the Council, he is proceeding improperly, that he is doing so.

Fourth. That should he fail to complete the work in a reasonable time, the Council should notify him that they require him to proceed with it, and that unless he does so, they will, at the expiration of one week from the time he is served with notice, employ some other surveyor to finish it, and deduct the amount they shall be called on to pay for such completion from his contract price. The Council is now in a position to give the notice without waiting any further time, if they think fit, but it is undesirable to employ any one else, if Mr. Passmore will do the remainder of the work without unreasonable delay. He should be informed, however, that he will be held responsible under his agreement for the delay, and every defect in the survey.

Fifth. Mr. Gibson having died, there is no power to compel Mr. Passmore to submit any difference that may exist between the Council and him to arbitration.

Sixth. The sureties are not discharged by the extension of time given to Mr. Passmore, that extension having been given after he had failed to perform the contract within time stipulated, and so their bond was perfected.

Seventh. The sureties should be notified that they will be held responsible for all loss arising to the Corporation in consequence of Mr. Passmore's failure to fulfil his agreement.

Eighth. The Council should pass resolutions to carry out the above suggestions, or should, by a general resolution passed by the Council, and to which the Corporate Seal should be attached, give full power to the Reeve to take such proceedings for the employing of another person to do the work, and generally to act as he shall think best for the interest of the Corporation, in enforcing the performance of the agreement.

(Signed) M. C. CAMERON.

Toronto, 19th February, 1864.

In the event of any individual complaining of an incorrect proceeding by Mr. Passmore, the Council should require the error to be established by a statement of a duly licensed surveyor, unless the error is one that clearly manifests itself to the understanding on being pointed out.

(Signed) M. C. CAMERON.

Mr. Crawford, seconded by Mr. Brown, moved, that the Reeve is hereby instructed to grant an order for the admittance of John Dyer (an invalid) to the Toronto General Hospital, at the expense of this Corporation. Carried.

Mr. Stephenson, seconded by Mr. Brown, moved, that the sum

of two dollars be granted to John Brodie for keep and maintenance of John Dyer, a pauper. Carried.

Presented by the Reeve,

*Report of the License Inspector.*

To the Municipal Council of the Township of Scarboro', in Council assembled :

GENTLEMEN,—Pursuant to an Act of the Legislature of Canada, 23 Victoria, chap. 53, sec. 3, and also in reference to By-law No. 156, for Regulating Taverns in the Township of Scarboro',

I, James A. Thomson, License Inspector for said township for the current year, do hereby report to your honorable body, that I have inspected the taverns of this township, and found the same with such accommodations as the provisions of the foregoing enactments require.

(Signed) JAMES A. THOMSON,  
*License Inspector.*

Presented by Mr. Brown, petition of Septimus Auburn and thirty others, praying that the Council will grant a certificate to Ingol Burton, whereby he may obtain a Tavern License.

Presented by Mr. Brown, petition of William Bell and thirty others, praying that the Council will grant a certificate to Samuel Mighton, to obtain a Tavern License.

Presented by Mr. Stephenson, petition of John Wilson and thirty others, praying that the Council will grant a certificate to Eli Shackleton, to obtain a Tavern License.

Presented by Mr. Clark, petition of John Haw and thirty others, praying that the Council will grant a certificate to Richard Sylvester, to obtain a Tavern License.

Presented by Mr. Brown, petition of William Chamberlain and thirty others, praying that the Council will grant a certificate to Nelson Gates, to obtain a Tavern License.

Presented by Mr. Brown, petition of Peter Sinclair and thirty others, praying that the Council will grant a certificate to Andrew Warffe, to obtain a Tavern License.

Presented by Mr. Crawford, petition of Thomas Walton and thirty others, praying that the Council will grant a certificate to William Johnston, to obtain a Tavern License.

Presented by Mr. Brown, petition of Arthur Martin and thirty others, praying that the Council will grant a certificate to Alexander Moffat, to obtain a Tavern License.

Presented by Mr. Crawford, petition of William Burton, senior, and thirty others, praying that the Council will grant a certificate to William Burton, jun., to obtain a Tavern License.

Presented by Mr. Crawford, petition of William Forfar and thirty others, praying that the Council will grant a certificate to Jonathan Baird, to obtain a Tavern License.

Presented by Mr. Crawford, petition of William H. Chamberlain and thirty-two others, praying that the Council will grant a certificate to John Hockridge, to obtain a Tavern License.

Presented by Mr. Brown, petition of Thomas Crone and thirty others, praying that the Council will grant a certificate to Alexander Thompson, to obtain a Tavern License.

Moved by Mr. Crawford, seconded by Mr. Clark, and resolved, that the Reeve is hereby instructed to sign certificates to obtain Licenses for the following Inn-keepers, who have complied with the law on that behalf, namely :—

Messrs. Ingol Burton, Samuel Mighton, Eli Shackleton, Richard Sylvester, Nelson Gates, Andrew Warffe, William Johnston, Alexander Moffat, William Burton, jun., Jonathan Baird, John Hockridge, and Alexander Thompson.

Mr. Stephenson, seconded by Mr. Brown, moved, that the Township Accounts, as received from the Auditors, be adopted, and that they be printed along with the minutes of this Council. Carried.

Mr. Stephenson, seconded by Mr. Brown, moved, that the account of James Moyle, Township Clerk, of fifty dollars for extra services, be paid, and that the Reeve grant an order for the same. Carried.

Presented by Mr. Crawford, Captain W. H. Norris' statement of the expenditure of the grant made for building armory for the benefit of the Scarboro' Volunteer Rifle Company.

Mr. Stephenson, seconded by Mr. Brown, moved, that this Council do now adjourn, to meet again on Monday, the 7th day of March, 1864. Carried.

Scarboro', 22nd February, 1864.

(Signed)  
JAMES MOYLE, *Clerk.*

JOHN P. WHEELER,  
*Town Reeve*

## FOURTH MEETING

*Of the Municipal Council of the Township of Scarboro', held  
pursuant to adjournment.*

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MONDAY, March 7, 1864.

MEMBERS PRESENT.—John P. Wheler, Esq., *Reeve*; John Crawford, Esq., *Deputy Reeve*; Thomas Brown, Esq., Donald Stephenson, Esq., William Clark, Esq.

Minutes of preceding meeting read and confirmed.

Mr. Crawford, seconded by Mr. Clark, moved, that this Council do now resolve itself into a committee of the whole, on the opinion of M. C. Cameron, Esq., in reference to the survey and the agreement between this Corporation and F. F. Passmore, Surveyor. Carried.

The Council went into committee of the whole thereon.

Mr. Clark in the chair.

The Committee rose. The Chairman reported the resolution as adopted. Resolution read as follows :—

Mr. Crawford moved, seconded by Mr. Brown, and Resolved, That the Clerk be and is hereby authorized to notify John Leys and John McNab, the sureties of Mr. F. F. Passmore, for the completion of the survey of this Township, that he has not completed the survey according to the contract, and that this Council will therefore hold them responsible for all loss or damage that may be sustained by the Municipality in consequence of Mr. Passmore's failure to complete his agreement. Carried.

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*Report of the License Inspector.*

To the Municipal Council of the Township of Scarboro', in Council assembled :

GENTLEMEN.—Pursuant to an Act of the Legislature of Canada, 23 Vic., chapter 53, section 3, and also in reference to By-Law No. 156, for Regulating Taverns in this Township, I, James A. Thomson, License Inspector for said Township for the current year, do hereby report to your honorable body, that I have

inspected the tavern known as the Commercial Inn, and found the same with the accommodations such as the provisions of the foregoing enactments require.

(Signed) JAMES A. THOMSON,  
License Inspector.

Scarboro', 7th March, 1864.

Presented by Mr. Stephenson, petition of Thomas Laskey and others, praying the Council to grant a certificate to Henry Lennox, to obtain a tavern license.

Mr. Stephenson, seconded by Mr. Brown, moved, that the petition of Thomas Laskey and others, praying for a certificate to obtain a tavern license for Mr. Henry Lennox, be adopted, and that the Reeve do issue a certificate for the same. Carried.

Presented by Mr. Crawford, petition of E. Etwell and William H. Chamberlain, praying to be allowed to amend their protest against the survey between lots Nos. 12 and 13, Con. D.

Petition read and laid on the table.

Mr. Stephenson, seconded by Mr. Brown, moved, that this Council do now adjourn, to meet again on Monday, 21st March, 1864.

Scarboro', March 7th, 1864.

(Signed) JOHN P. WHEELER,  
JAS. MOYLE, *Clerk.* Town Reeve.

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## FIFTH MEETING

*Of the Municipal Council of the Township of Scarboro', held pursuant to adjournment.*

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MONDAY, March 21, 1864.

MEMBERS PRESENT.—John P. Wheeler, Esq., *Reeve*; John Crawford, Esq., *Deputy Reeve*; Thomas Brown, Esq., Donald Stephenson, Esq., William Clark, Esq.

Minutes of preceding meeting read and confirmed.

Mr. Crawford, seconded by Mr. Clark, moved, that the Reeve is hereby instructed to grant an order for the admittance of Jane

Yellowbye to the Toronto General Hospital, at the expense of this corporation. Carried.

Mr. Crawford, seconded by Mr. Brown, moved, that the Treasurer be and he is hereby authorized to pay to George Platt, Esq., Steward, Toronto General Hospital, the sum of two dollars and fifty cents, for board and attendance of John Dyer, while in the Hospital. Carried.

Mr. Crawford, seconded by Mr. Stephenson, moved, that the Treasurer pay, on order of the Reeve, to Jeremiah Annis the sum of six dollars to purchase clothing for an individual who goes by the name of Crazy Bill. Carried.

Mr. Brown, seconded by Mr. Stephenson, moved, that this Council do now adjourn, to meet again the last Monday in April, 25th, 1864. Carried.

Scarboro', March 21st, 1864.

(Signed)	JOHN P. WHEELER,
JAMES MOYLE, <i>Clerk.</i>	<i>Town Reeve.</i>

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## SIXTH MEETING

*Of the Municipal Council of the Township of Scarboro', held pursuant to adjournment.*

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MONDAY, April 25, 1864.

MEMBERS PRESENT.—John P. Wheler, Esq., *Reeve*; John Crawford, Esq., *Deputy Reeve*; Thomas Brown, Esq., Donald Stephenson, Esq., William Clark, Esq.

Minutes of preceding meeting read and confirmed.

Presented by Mr. Crawford, protest of John Malcom, against the survey of line between lots 16 and 17, in the 2nd concession.

Presented by Mr. Clark, the protest of William B. Burk, against survey.

Presented by the Reeve, communication from the Rev. Mr. Belt, on the competition examination of the pupils of several of the Schools of this Township, held on the 1st April, 1864.

Presented by the Reeve, communication from M. C. Cameron, Esq., his second opinion on the survey of this Township :—

In reference to the Acts 24 Vic., chapter 64, and 25 Vic., chapter 38, I have been asked for an opinion upon the following questions :—1. In setting off an aliquot part of a lot under sec. 4, of 24 Vic., chap. 64, where the lot is wider at one end than the other, is the part set off to contain the quantity indicated as a third or fourth, as the case may be, of the whole lot, or only to have that proportion of the length and width of the lot as defined by the survey, without reference to quantity ?

2. In case a party has purchased a certain definite number of acres, described by metes and bounds, is he to be allowed his full number of acres, notwithstanding the whole lot may be deficient in quantity ?

3. In the case of a road fenced only on one side or not fenced at all, is the centre of the track, (that is wagon track,) to be taken to define the position of the road, and the road to be laid out extending half a chain on each side of such centre, or is the fence to be taken as defining one boundary of the road, and the other boundary to be determined by setting off the proper distance for the width of the road from the fence, where the road is opened through the concession ?

4. What under the Act is a *road opened* ?

5. Does the Act destroy the right an individual may have acquired by adverse possession to the land in his occupation, though the survey under the Act shews the land does not belong to the lot or part of the lot he supposed it did, or of which he was the owner, if such possession would but for the Act give the possessor a title to it by prescription ?

1. In reference to the first question, I think it was the intention of the Legislature, that where a lot fell short or had an excess of quantity in consequence of a survey under the Act, the proprietors of any aliquot portions of the lot should lose or gain ratably, and therefore that, in defining an aliquot part of the lot, where one end is wider than the other, reference must be had to quantity, and such aliquot part will gain in length, where it loses in width; and that the terms in the said fourth section, the boundaries or limits of any aliquot portion of a lot, shall be determined by giving such portion the *proportionate length* and width of the whole lot, as the latter shall have been ascertained in the manner directed by the Act, mean that the length and width shall be proportionate to the actual contents of the lot. This construction is by no means free from doubt, and it may be, that what was intended was, that in case of a quarter of a lot at the narrower end, the quarter should be determined by giving half the length of the lot, and half the width of the narrower end and centre, but this would not be the proportionate part of the "*length and width of the whole lot.*" To get the width of the whole lot regard must be had to the width at both ends.

2. As to the second question, where a definite number of acres has been purchased, the purchaser is entitled to his full quantity of land, unless in setting off such quantity a portion of land, vested by previous conveyance in some other person than vendor, would be taken thereby. The Act does not authorize the survey of any but aliquot portions of lots. To illustrate what I mean, suppose the east half of a lot has been conveyed, and one hundred acres are subsequently deeded by metes and bounds, without using the designation west half of the lot, the person entitled to the east

half, would be entitled to the land determined to be the east half by the survey, though there would not remain a hundred acres for the party who purchased the hundred acres; but if the hundred acres had been conveyed by the owner of the lot by metes and bounds, before the east half was sold, then the person having the first conveyance would be entitled to his full hundred acres, although it turned out the lot did not contain two hundred acres; and in the case of a party owning half a quarter of a lot, and conveying ten acres to another, the latter will be entitled to his ten acres, though the half or quarter lot shall prove deficient in quantity.

3. With reference to the third question, neither the fence nor the centre of the wagon track furnishes a positive point of commencement to determine the boundaries of the road. If the surveyor is satisfied, from the evidence that he can obtain, that the fence is properly located on the limit of the road allowance, he may adopt it as a boundary; but if he is not, he must ascertain by the best means in his power where the centre of the road allowance is as it has been opened, and, having found this, he will define the road, by setting off thirty feet on each side of this centre.

4. I am of opinion that a road opened means, under the Act, where the road allowance has been defined on the ground by a survey, erroneously made or not, and sufficient of the trees cut down from front to rear of the concession, to allow of the passage of teams along; this being the least that will constitute a road opened.

5. I do not think that the Acts or either of them will prevent the operation of the Statute of Limitations, and where, by reason of possession, a person has acquired a title to land, there is nothing in the Act that will deprive him of it; therefore, if in making a survey it shall be found that the owner of any portion of a lot has been in possession of another portion, under such circumstances as would give him a title were it not for the Act, he will, notwithstanding the Act, have such title. The 6th sec. of the 25th Vic. chap. 38, is all the provision in the Act affecting this question, and it only determines that, notwithstanding chap. 88, Con. Statute U. C., being our prescription Act, the lines between lots ascertained under the Act shall be the true lines and limits, and in no manner affect the title to the land on either side of the limits, and even if the intention was to settle the title as well as the boundaries, it would require much more positive and precise language than that here used to have that effect.

Toronto, 18th April, 1864.

(Signed) M. C. CAMERON:

Presented by the Reeve, communication from the Government Emigrant Office, Toronto. Read and laid on the table.

Presented by the Reeve, communication from the Bureau of Agriculture, Statistics and Emigration. Read and disposed of.

Mr. Crawford, seconded by Mr. Clark, moved, that the Treasurer pay, on order of the Councillor of Ward No. 4, the sum of ten dollars and ninety cents, being an account rendered by Hugh Elliot, Pathmaster, for plank and repairing bridge on side-road between lots 22 and 23, in the 3rd concession. Carried.

Presented by the Reeve, petition of James A. Thomson and

Andrew A. Thomson, asking for the sum of one hundred dollars, to repair side road between lots 22 and 23, in the 1st concession. Petition read and laid on the table.

Mr. Brown, seconded by Mr. Stephenson, moved, that the thanks of this Council are due, and are hereby presented to the Rev. Mr. Belt, Local Superintendent, for his praiseworthy exertion in getting up the school examination, and that the two dollars unexpended of the grant given by this Council, be allowed to assist in paying for extra prizes given by him at said examination, and that the Clerk send a copy of this resolution to him. Carried.

Upon which the yeas and nays were taken.

YEAS—Mr. Clark, Mr. Brown, and Mr. Stephenson.

NAY—Mr. Crawford.

Mr. Crawford, seconded by Mr. Clark, moved, that the sum of five dollars be granted to repair a culvert on the 1st concession, corner of lot No. 19 ; also, the sum of thirty dollars, to build a bridge on the 4th concession line, front of lot No. 19 ; said sums payable on order of Councillor for Ward No. 3. Carried.

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#### BY-LAW No. 157,

##### *To appoint Township Officers.*

The Corporation of the Township of Scarboro' enacts as follows :—

That the following named persons be and they are hereby appointed Township Officers, to the following offices hereinafter named, whose duties and liabilities shall commence within twenty days after notice of their appointment, and continue for one year, viz. :—

##### POUND-KEEPERS.

John Hockridge, and John Richardson, jr.

##### FENCE-VIEWERS.

Wm. Heron,  
Wm. Pearson,  
Thomas Booth,  
George Scott,

James Hamilton,  
Wm. Flood,  
Wm. Mason, senr.

Joseph Hough,  
James Palmer, senr.  
Thomas Elliot.

## PATHMASTERS.

Andrew Annis,  
Thomas Adams, junr.  
John Stoner,  
Joseph Collins,  
Andrew McCreight,  
Wm. Chapman,  
Wallis Stotts,  
Mathew Annis,  
John Cocksworth,  
Ezekiel Richardson,  
Peter Cavanagh,  
Robert Carter,  
Stephen Closson,  
King Parker,  
John Wright,  
Wm. Heron,  
James Scholes,  
Andrew Fleming, senr.  
George Cook,  
Wm. Richardson,  
John Almond,  
George Ellis,  
David Milne,  
Jonathan Thomas,  
Joseph Telford,  
Wm. Westney,

Thos. Ormerod,  
Thomas Jacques,  
James Humphrey, sen.  
Edward Fawcett,  
Wm. E. Young,  
Wm. Pearson,  
Enoch Fowler,  
Jerry Annis,  
John Taber, junr.  
Martin Badgerow,  
Watson Wride,  
Joseph Secor, junr.  
Joseph Harrington,  
Richard Thompson, jr.  
David Brown,  
John Stobo,  
David Johnston,  
Richard Bear,  
Thomas Harding,  
John Goodenough,  
Robert McCowan,  
David Arch. Thomson,  
Francis Scott,  
Thomas Richardson,  
Adna Pherrill,  
Isaac Chester, junr.

Wm. Forfar,  
Archd. Elliot,  
Isaac Ashbridge,  
John Fitzgibbon,  
John Ferguson, senr.  
Thomas Johnston,  
Wm. Bell,  
James Inson,  
John Whiteside,  
Simon Miller,  
James Palmer, senr.  
James Baxter,  
Elijah Abraham,  
Wm. Mason, junr.  
John Heron,  
James McCowan,  
Ichabod Vradenburgh,  
Richard Steirs,  
John Thompson,  
John Walton, senr.  
Thomas J. Walton,  
Thomas Glendinning,  
Thomas Brown, junr.  
Robert Linton,  
John Booth,  
James Bowes.

Passed this 25th day of April, 1864.

(Signed)

JOHN P. WHEELER,

JAMES MOYLE, *Clerk.*

*Town Reeve.*

Mr. Brown, seconded by Mr. Stephenson, moved, that the Township Clerk is hereby required to notify the different Township Officers of their appointment, and that they are required to take the oath of office within twenty days. Carried.

Mr. Stephenson, seconded by Mr. Clark, moved, that the sum of one hundred dollars be granted for the repair of roads and bridges for each ward for the current year. Carried.

Mr. Stephenson, seconded by Mr. Brown, moved, that Messrs. Crawford, Wheler, and the mover, be appointed a Committee to examine the bridge over the Little Rouge, between lots 4 and 5, in the 3rd concession; also the bridge on the little Rouge between Markham and Scarboro', in front of lots 7 and 8, and that the Committee report the condition of said bridges at next Council meeting. Carried.

Mr. Brown, seconded by Mr. Stephenson, moved, that this Council do now adjourn, to meet again on the fourth Monday, the 23rd May, and that the Court of Revision will be held on said day, and that the Clerk give the proper notice. Carried.

Scarboro', April 25th, 1864.

(Signed)

JOHN P. WHEELER,

JAMES MOYLE, *Clerk.*

*Town Reeve.*

## SEVENTH MEETING

*Of the Municipal Council of the Township of Scarboro', held  
pursuant to adjournment.*

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MONDAY, May 23rd, 1864.

MEMBERS PRESENT.—John P. Wheler, Esq., *Reeve*; John Crawford, Esq., *Deputy Reeve*, Thomas Brown, Esq., Donald Stephenson, Esq., Wm. Clark, Esq.

Minutes of preceding meeting read and confirmed.

Presented by Mr. Stephenson, petition of D. A. Milne and others, praying for a grant of twenty-five dollars, to repair the hill in the 4th concession, south of the Rouge Creek, between lots 8 and 9.

Mr. Stephenson, seconded by Mr. Crawford, moved, that the sum of twenty-five dollars be granted to repair the hill south of the Rouge Creek, in the 4th concession, between lots 8 and 9; and that Messrs. David A. Milne, John Sewell, and Wm. A. Milne, be appointed commissioners to expend the same; payable on order of the Councillor for Ward No. 2. Carried.

Presented by Mr. Stephenson, petition of James Russell and others, praying for a grant of money for the relief of widow Lamoreaux.

Mr. Stephenson, seconded by Mr. Brown, moved, that the sum of six dollars be granted for the relief of Rebecca Lamoreaux, widow of the late Andrew Lamoreaux, she being left in destitute circumstances; payable on order of the Councillor for Ward No. 2. Carried.

Presented by Mr. Crawford, petition of Dr. Pollock and others, praying the Council to pass a By-law to prevent pigs or swine from running at large.

Petition read and laid on the table.

Mr. Brown, seconded by Mr. Clark, moved, that the sum of one hundred dollars be granted for the purpose of turnpiking that part of the side road between lots 22 and 23, concession D, from the 1st concession line to where it joins the Danforth road,

and to repair that part of side road between 22 and 23, 1st concession, opposite the old saw-mill; and that Francis Scott, James A. Thomson, David A. Thomson, and the Reeve be commissioners to expend the same; said grant to be payable to the order of the Reeve.

Presented by Mr. Brown, protest of Wallis Walton, against the present survey of this Township. Read and laid on the table.

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Mr. Stephenson, seconded by Mr. Brown, moved, that this Council resolve itself into a Court of Revision and Appeal forthwith. Carried.

Said Court being composed of the following members, to wit: Mr. Wheler, Mr. Crawford, Mr. Brown, Mr. Stephenson and Mr. Clark.

Mr. Crawford in the chair.

The Assessment Roll was taken up and examined.

The appeal of Mr. Norris, for being over-rated by the acre for his land, and the quantity of land being too much, was taken up, and the amount of assessment per acre was dismissed; the quantity of land was reduced, according to the survey of Mr. Passmore, from  $45\frac{1}{2}$  acres to 43 acres. The assessment was amended, and

Mr. Stephenson, seconded by Mr. Clark, moved that the Assessment Roll for the year 1864, as amended, be accepted and confirmed. Carried.

(Signed) JOHN CRAWFORD,  
Chairman.

The Court of Revision then closed.

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The Council then proceeded to business.

The Report of the Committee appointed to examine the bridge over the Little Rouge, on the 4th concession, was then presented.

*To the Council of the Township of Scarboro' :*

The Committee appointed to examine the bridge over the Little Rouge, on the 4th concession, beg to report,

That on Friday last your Committee examined said bridge, and found that the spring high water has swept away about 60 feet of said bridge, rendering the road impassable. Your Com-

mittee would recommend, in order to make said bridge permanent, that a cedar crib, filled with stone, be built, 40 feet from the other abutment, thereby leaving a span of 40 feet to the south side, and another span of 20 feet, to join the old structure, and that the sum of sixty dollars be granted for that purpose.

(Signed) DONALD STEPHENSON,  
*Chairman.*

Mr. Stephenson, seconded by Mr. Brown, moved, that the Report just read be now adopted. Carried.

Mr. Stephenson, seconded by Mr. Brown, moved, that this Council do now adjourn, to meet again on Monday, 20th June, 1864. Carried.

Scarboro', May 23rd, 1864.

(Signed) J. P. WHEELER,  
*Town Reeve.*

JAS. MOYLE, *Clerk.*

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## EIGHTH MEETING

*Of the Municipal Council of the Township of Scarboro', held  
pursuant to adjournment.*

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MONDAY, June 20, 1864.

MEMBERS PRESENT.—John P. Wheler, Esq., *Reeve*; John Crawford, Esq., *Deputy Reeve*; Thomas Brown, Esq., Donald Stephenson, Esq., William Clark, Esq.

Minutes of preceding meeting read and confirmed.

Presented by the Reeve, petition of John Ferguson and others, praying for a grant of money to repair road in front of lot No. 28, con. 2.

Mr. Crawford, seconded by Mr. Clark, moved, that the sum of twenty dollars be granted to repair the 2nd concession road, in front of lot No. 28; and that Messrs. J. Whiteside, A. Forfar, and J. Ferguson, be commissioners to expend the same; said sum to be payable on order of the Councillor for Ward No. 4. Carried.

Presented by the Reeve, petition from Thomas Johnston and others, praying for a sum of money to repair the 3rd concession road, front of lot No. 26.

Mr. Clark, seconded by Mr. Brown, moved, that the sum of thirty dollars be granted to repair the road on the 3rd concession, front of lot No. 26 ; and that Thos. W. Johnston, Thomas Kenady, and Archibald Elliot, be commissioners to expend the same ; said grant payable on order of the Reeve.

Presented by Mr. Stephenson, petition from Thomas Adams and others, praying for a grant of money to build a bridge over Spring Creek, in front of lot No. 3, in the 1st concession.

Mr. Stephenson, seconded by Mr. Crawford, moved, that the sum of thirty dollars be granted for the building of a bridge over Spring Creek, and repairing embankment at said bridge, on the 1st concession, front of lot No. 3 ; and that Archibald McAllister, Andrew Annis, and James Richardson, be commissioners to expend the same ; payable on order of the Councillor for Ward No. 2. Carried.

Presented by Mr. Stephenson, petition of Geo. Ellis and others, praying for a sum of money to repair road between lots Nos. 10 and 11, in the 3rd concession.

Mr. Stephenson, seconded by Mr. Clark, moved, that the sum of thirty dollars be granted for crosswaying side road, between lots Nos. 10 and 11, in the 3rd concession ; and also for building a bridge over Spring Creek, on said line ; and that Messrs. W. Oliver, J. Fleming, and G. Ellis, be appointed commissioners to expend the same ; payable on order of the Councillor for Ward No. 2. Carried.

Presented by the Reeve, communication from the Receiver General's Office, Quebec, stating the amount of \$336 42 due to the Township of Scarboro', from the Clergy Reserve Fund of Upper Canada, for the year 1863.

Mr. Brown, seconded by Mr. Clark, moved, that the sum of sixty-five dollars be granted to build a bridge and repair the road on the 3rd concession, in front of lot No. 23 : and that Thomas Richardson, Francis Bell, and Archd. Elliot, be commissioners to expend the same ; said grant payable to the order of the Reeve. Carried.

Mr. Stephenson, seconded by Mr. Brown, moved, that this Council do now adjourn, to meet on Monday, the 11th July, 1864. Carried.

Scarboro', 20th June, 1864.

(Signed)

JOHN P. WHEELER,

*Town Reeve.*

JAMES MOYLE, *Clerk.*

## NINTH MEETING

*Of the Municipal Council of the Township of Scarboro', held pursuant to adjournment.*

MONDAY, July 11th, 1864.

MEMBERS PRESENT.—John P. Wheeler, Esq., *Reeve*, John Crawford, Esq., *Deputy Reeve*, Thomas Brown, Esq., Donald Stephenson, Esq., Wm. Clark, Esq.

Minutes of preceding meeting read and confirmed.

Presented by the Reeve, communication from Arch'd McKellar, Esq., Chairman Legislative Assembly Committee Room, Quebec. Read and laid on the table.

Presented by Mr. Crawford, petition of Thomas Jacques and others, praying for a grant of money to repair the 4th concession, front lot 14.

Presented by Mr. Crawford, communication from Mr. John Tully, P. L. S.

*To the Township Council of Scarboro'.*

GENTLEMEN,—Having been employed by Mr. Westney, of lot No. 12, second concession, to run the line of the third concession between lots 10 and south-east corner of lot 17, I found the straight line would so interfere with the farms on both sides—running quite off the road in some places—that I have come to the conclusion that all parties would be better pleased to retain Gibson's stakes.

I remain, Gentlemen, your obed't serv't,

JOHN TULLY, *Prov. Land Surveyor.*

Mr. Clark, seconded by Mr. Brown, moved, that the sum of thirty dollars be granted to build a bridge, on the side-line

between lots 30 and 31, in the 3rd concession ; and that Wm. Mason, junr., and Simpson Rennie, be commissioners to expend the same ; payable to the order of the Councillor for Ward No. 5. Carried.

Mr. Crawford, seconded by Mr. Clark, moved, that the Treasurer pay on order of the Councillor for Ward No. 3, the sum of sixty-five dollars ; said sum to be expended in finishing the causeway in front of lot No. 14, concession 4. Carried.

Mr. Stephenson, seconded by Mr. Brown, moved, that the sum of thirteen dollars and ninety-eight cents be granted to James Ormerod, for the completion of the bridge over Spring Creek, and digging the hill on both sides of said bridge, in 2nd concession, between lots 10 and 11 ; payable on order of the Councillor for Ward No. 2. Carried.

Mr. Crawford moved, seconded by Mr. Brown, that the Reeve be, and he is hereby instructed to purchase a debenture, to the amount of the Municipalities Fund for the year 1863, now available in the hands of the Receiver-General, and that the Treasurer give his power-of-attorney to the Reeve for that purpose. Carried.

Mr. Crawford, seconded by Mr. Brown, moved, that the Council do now adjourn, to meet again on the last Monday of August, 29th. Carried.

Scarboro', July 11th, 1864.

(Signed) J. P. WHEELER,  
JAS. MOYLE, *Clerk.* *Town Reeve.*

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## TENTH MEETING

*Of the Municipal Council of the Township of Scarboro', held pursuant to adjournment.*

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MONDAY, 29th August, 1864.

MEMBERS PRESENT—J. P. Wheeler, Esq., *Reeve*, J. Crawford, Esq., *Deputy Reeve* ; W. Clark, Esq., Thos. Brown, Esq., D. Stephenson, Esq.

Minutes of preceding meeting read and confirmed.

Clerk absent.

Mr. Stephenson moved, seconded by Mr. Brown, that John Crawford be appointed to act as Township Clerk, *pro tem*. Carried.

Presented by the Reeve, protest of Wm. Hey Chamberlain, against the survey, being owner of the north-east part of lot No. 13, in concession D.

Presented by the Reeve, protest of James Humphrey, senr., and others, against survey, being owners of parts of lots Nos. 15 and 16, in concession D, of Scarboro'.

Presented by Mr. Brown, requisition of Trustees of School Section No. 10, requesting the Council to collect the sum of two hundred dollars for school purposes, for the current year.

Presented by Mr. Stephenson, requisition of Trustees of School Section No. 4, requesting the Council to collect the sum of one hundred and twenty dollars, in said section, for school purposes.

Presented by Mr. Crawford, requisition of Trustees of School Section No. 3, to levy and collect from said section, for school purposes, the sum of one hundred and sixty dollars.

Presented by Mr. Stephenson, requisition of Trustees of School Section No. 7, to levy and collect from said section, for school purposes, the sum of one hundred and forty dollars.

Presented by Mr. Crawford, petition of George R. Secor and others, praying the Council to grant money to build a bridge on Markham road, concession D.

Presented by Mr. Stephenson, petition of Wm. Chapman and others, praying for a grant to repair the bridge on 2nd concession, front of lot No. 3.

Presented by Mr. Crawford, protest of Isaac Fawcett and others, against survey, being owners of parts of lots No. 15 and 16, in the 1st concession.

Mr. Crawford moved, seconded by Mr. Clark, that Mr. Stephenson, the Reeve and the mover, be appointed a Committee to examine the bridge on the Markham road, near Mr. Secor's place, and report to this Council the result at next meeting. Carried.

Mr. Stephenson moved, seconded by Mr. Clark, that the sum of ten dollars be granted to build a bridge over the Little Jordan, on the 2nd concession road, front of lot No. 3; and that Messrs.

Wm. Chapman, E. Huxtable, and R. Knowles, be appointed commissioners to expend the same ; payable on order of the Councillor for Ward No. 2. Carried.

Mr. Stephenson moved, seconded by Mr. Clark, that Messrs. Wheler, Crawford, and the mover, be appointed a Committee to meet a like Committee from Markham, to examine the condition of the bridge over the Little Rouge, on the town line between Markham and Scarboro', and report at next meeting the best plan of making said bridge passable, or make arrangements for building a new bridge, and that the Clerk do notify the Markham Committee to meet on the same day, Monday next, the 15th day of September, at 10 o'clock, A.M. Carried.

The Reeve laid on the table certificates from A. Russell, Assistant Commissioner of Crown Lands, and John Ridout, Esq., Registrar of the County of York, shewing that F. F. Passmore, Esq., P.L.S., has deposited plan and report of the survey of this township, in the offices of Commissioner of Crown Lands, and in the Register office of the County of York, respectively.

Mr. Crawford moved, seconded by Mr. Brown, that F. F. Passmore, Esq., P. L. S., be and is hereby instructed to furnish a copy of the survey of this Township, by Saturday, the 3rd day of September, to this Corporation, said work to be paid for in accordance with the statute in that behalf. Carried.

The Reeve laid on the table, a communication from F. F. Passmore, P. L. S., requesting a settlement for the survey, having deposited the plan and reports according to law.

Mr. Stephenson moved, seconded by Mr. Clark, that the request of F. F. Passmore, Esq., P. L. S., for a settlement in full for the survey of this Township, be laid on the table until next meeting of this Council. Carried.

Mr. Brown moved, seconded by Mr. Stephenson, that the services of James Moyle, as Clerk and Treasurer to this Municipality, be dispensed with, and that John Crawford be and is hereby authorized to demand possession and receive the books, cash, and all other property belonging to the Municipality, and that the Clerk *pro tem.* be requested to notify the Auditors to examine his books and cash, and report to the Reeve forthwith. Carried.

Mr. Stephenson moved, seconded by Mr. Brown, that this Council do now adjourn, to meet again on Wednesday, the 7th day of September. Carried.

(Signed)

JOHN P. WHEELER,

*Town Reeve.*

JOHN CRAWFORD, *Clerk pro tem.*

## ELEVENTH MEETING

*Of the Municipal Council of the Township of Scarboro', held pursuant to adjournment.*

WEDNESDAY, September 7, 1864.

MEMBERS PRESENT.—J. P. Wheeler, Esq., *Reeve*; J. Crawford, Esq., *Deputy Reeve*; Thomas Brown, Esq., Wm. Clark, Esq., Donald Stephenson, Esq.

The Reeve in the chair.

Minutes of last meeting read and confirmed.

The Reeve laid on the table the following communication from M. C. Cameron, Esq., Solicitor.

TORONTO, September 1st, 1864.

*In re Scarboro' Survey and F. F. Passmore, Esq., P. L. S.*

In reference to the action of Mr. Passmore, in removing a monument after he had closed his survey and deposited his map, I think the course pursued by him was unwarranted; that having completed the survey, he was *frutus officio*, and could not interfere to change a monument any more than a stranger could. The position of the stone, as it was at the completion of the survey, must govern the Council. As to the protest of James Carnaghan and others, I can give no opinion on the point as to whether there is any value in the objection to the survey, as they do not indicate in what respect the surveyor has not followed the statute out; I am quite satisfied the Corporation of Scarborough incur no responsibility in acting on Mr. Passmore's survey. As I have previously advised, I think it will be very desirable to get a fresh Act, confirming what Mr. Passmore has done, as without it endless questions may arise. If Mr. Passmore has completed his work he will be entitled to be paid. His interference with the stone above referred to, will not prevent this; as to that act, he must be regarded as a stranger.

Yours truly,

(Signed) M. C. CAMERON.

J. P. WHEELER, Esq.,

*Reeve of Scarboro',*

Woburn Post Office.

Reeve laid on the table, from F. F. Passmore, Esq., P. L. S. copy of report of survey.

*Report (in duplicate) to accompany a map of the Township of Scarboro', in the County of York, Canada West, re-surveyed in accordance with the Statute 24 Vic., cap. 64, and 25 Vic., cap. 38.*

GENTLEMEN,—Having entered into an agreement with the Reeve of your township on the 8th of August, 1862, to make this survey, I beg to report that I commenced proceedings by causing two hundred hand-bills to be printed and distributed in the most conspicuous places throughout the township. The notice was as follows:—

“To proprietors of land, landholders and others, in the Township of Scarboro'.

“In pursuance of the statutes 24 Vic., cap. 64, and 25 Vic., cap. 38, and the survey to be made in accordance therewith, public meetings will be held for the purpose of taking evidence of original landmarks throughout the said township; and all persons having any interest in the survey, or who may be in possession of valuable information respecting such landmarks, are hereby respectfully requested to be present, to give the same at the respective places and times, as follows, viz:—

Royal Oak tavern,	lot 35, concession C.,	Sept. 2nd.,	9 a.m.
Thompson's	“ Kingston Road	“ 4th,	“
Beard's	“ Markham Road,	“ 6th,	“
Lasky's	“ Highland Creek,	“ 8th,	“
Johnston's	“ Markham Road,	“ 10th,	“
Burton's	“ Markham Road,	“ 12th,	“
Hockridge's	“ Kennedy Road	“ 15th,	“
Sylvester's	“ Lot 34, concession D.	“ 17th,	“

“Also, that proprietors of lots, or the landholders, are requested forthwith to deposit at the south-east and south west corner of each ‘200 acre’ lot not less than ten stakes, for the purpose of having the same planted along the side-roads at the time of the survey.

F. F. PASSMORE,  
*Land Surveyor.*”

Toronto, August 9th, 1862.

I regret to say that these meetings were but indifferently attended.

I wrote to the Crown Lands Department, and obtained therefrom a certified copy of such of the original field notes as were made or deposited in that office, viz., the front of “Concession C,” the front of “Concession D,” and the front of the “First Concession.”

It does not appear that any side-roads or side-lines were in the original survey, or that any posts were planted in rear of any of the lots.

The Township of Scarboro', (formerly called Glasgow,) surveyed in 1791 by Augustus Jones, is bounded on the east by the Township of Pickering, on the west by the Township of York, on the north by the Township of Markham, and on the south by Lake Ontario. The exterior boundaries have been thus defined and established. The western

boundary of the Township of Pickering has been established by Provincial Land Surveyor John Shier, under instructions from the Honorable the Commissioner of Crown Lands, issued in 1854; but stone monuments were planted at the south-west angle of the last lot (No. 35) in the several ranges and concessions of that township. These monuments, with the allowance for road between the two townships, forms the eastern boundary of Scarboro'.

The western boundary of Scarboro' was defined and established by Provincial Land Surveyors David Gibson and William Smith, under instructions from the Honorable the Commissioner of Crown Lands, dated 5th August, 1850. Boulders were planted by these gentlemen at the south-west angle of the last lot (No 35) in each concession of the Township of Scarboro. The road allowance between the "Gore," or fifth concession of the Township of Scarboro', and the Township of York, does not continue on in a straight line with the road allowance between the fourth concession of Scarboro' and the Township of York, but makes a "jog" of thirty-three feet to the eastward, as the following extract from the report of that survey will show:—"At the front of the fifth concession there is a jog of fifty links to the east. Before making this jog we went into the office of the Commissioner of Crown Lands, and examined the instructions, plan, and field-notes of Deputy Surveyor John Gallbraith. Finding that his instructions were legally issued, and his plan and field-notes shewing fifty links for road allowance on each side of the original boundary line, we were therefore compelled to make a jog here."

The southern boundary of that part of Markham which abuts on Scarboro' was established by the Boundary Line Commissioners, and boulders were planted to mark that survey. These monuments, with the allowance for road on the south thereof, forms the northern boundary of Scarboro'.

Having thus shewn how the exterior boundaries of the township have been established, I shall proceed to describe the interior as briefly as possible.

Search was made in the County Registry Office for any surveys that might have been made by the Boundary Line Commissioners within the township, or upon the application of the Municipal Council, as referred to in sec. 5 of the 24th Vic., cap. 64, but there were no surveys of that kind on record in the said office.

The statutes under which this recent survey has been made divides the several side-roads throughout the township into two classes, viz., roads that were opened, improved, and travelled from one concession road to another, and respecting which no dispute had existed previous to the passing of the Act, or roads that were not opened, &c., or but partly opened, or respecting which a dispute had existed, &c.

As one clause of my agreement requires the municipality to be furnished with a "book of maps, shewing each side-road, with any streams, bridges, water-courses, fences, cuttings, or embankments, and deviations, with the quantity of land in each block, I have considered it unnecessary to represent the same on the plan for record, but on this plan have figured the breadth of each block in front and rear from the several cut stone monuments which have been planted in this survey.

Where two or more adjacent blocks of land are shown as having the same width, it is to be understood that an equal division has been made in front and rear between the two nearest undisputed or established side-roads. There is, perhaps, an occasional exception to this rule, which will be specially referred to hereafter (*e.g.*, lots 16 and 17, concession third.)

There are one hundred and twenty-six side-roads, exclusive of the six exterior roads between Pickering and Scarboro', and the nine exterior roads between York and Scarboro'. Many of these roads are well opened up and travelled, and require no especial remarks respecting them; others, again, will in all probability never be travelled throughout, and in order, therefore, to make this report as concise as possible, I shall, in speaking of the several concessions, with the side-roads therein, chiefly direct your attention to such roads as have been "disputed," or respecting which "protests" have been laid before your Council.

#### CONCESSION A.

In this concession none of the allowances for side-road are opened throughout. Between lots numbers 30 and 31, numbers 32 and 33, the side-road allowance is opened and occasionally travelled from the rear of the concession southerly, to the highway known as the "Kingston road." The allowance for road between lot number 35 and the Township of York is also occasionally travelled from the rear of the concession to the Kingston road, and is further opened, but rarely travelled, from thence southerly, to the north edge of a deep ravine. The course of the several side-roads in this concession has been made parallel with the western boundary of lot 35, and of the respective widths, as shown on the plan herewith, coinciding in breadth with the frontage of the corresponding lots in front of concession B.

#### CONCESSION B.

In this concession two roads only are opened throughout their entire length, viz., between lots numbers twenty-eight and twenty-nine, and numbers thirty and thirty-one. The road between lots twenty-six and twenty-seven is opened only in part. The road between lots twenty-six and twenty-seven is opened only in part. The road between lots twenty-eight and twenty-nine has been established in accordance with the proviso contained in the second section of the 25th Victoria, chapter 38, from an original monument at the south-east angle of lot twenty-nine, as follows, viz.:—At the distance of eighty-three chains twenty-one links, on a course south sixteen degrees east from where the centre line of the allowance for such side-road intersects the south side of the allowance for road in rear of the said concession B, the centre of the said side-road shall not continue on in a straight line, but shall therefrom run on a course south forty degrees east, a distance of four chains seventy-one links, more or less, until the centre line of such deviation will intersect the centre line of the Kingston road, as at present travelled, and running thence south twenty degrees thirty minutes, west three chains fifty-three links, more or less, until the centre line of the Kingston road will intersect the centre line of the aforesaid allowance for side-road, when drawn on a course north sixteen degrees west, from the front to the rear of the concession, thence south sixteen degrees east on such centre line eleven chains thirty-two links, more or less, to the front of the said concession B.

Although no dispute had existed respecting the side-road allowance between lots thirty and thirty-one, concession B, before the passing of the Act, yet there has been considerable contention since the survey commenced. At the front, the road is opened and fenced on both sides, the fences being sixty-six feet apart. By one party it is contended that the centre of the side road should be taken equi-distant from the fences, as they are at present erected on each side of the side-road. On the other side, it is urged that those fences were not placed on the "lines formerly drawn," and affidavits from Seneca Palmer and John D. Thompson establish this fact. I am of opinion that the second statute, passed in 1862, for this survey, does not repeal the prior Act passed in 1861, and that the words "from the centre of the road at present travelled," in section second of the Act of 1862, does not do away with the expression "upon lines formerly drawn," in section first of the Act of 1861. I have, therefore, established the front of this side-road in accordance with the affidavits just mentioned.

At the south-east angle of lot thirty-two the position of an original stake was sworn to by Terrance Leonard. I obtained no satisfactory evidence of any other original landmarks on the front of this concession, and therefore divided the land as shown on the plan.

The side-roads between lots twenty and twenty-one, lots twenty-two and twenty-three, lots twenty-four and twenty-five, and lots twenty-six and twenty-seven, were drawn from monuments established in front of the concession in rear thereof, parallel to the allowance for side road between lots twenty-eight and twenty-nine, in concession B.

From the rear of lots thirty and thirty-one westward, to the line between York and Scarboro', the land has been equally divided.

#### CONCESSION C.

In this concession all the side-roads are opened and travelled, &c., from lot twenty-four to lot thirty-five inclusive. Between lots twenty and twenty-one, and lots twenty-two and twenty-three, the side-roads are not opened up and travelled south of Kingston road. The land has been equally divided in front, from an original monument at the south-east angle of lot twenty-one, to the opened side-road between lots twenty-four and twenty five, and in the rear the land has also been equally divided between the same roads.

A protest by Wallis Walton having been made to the Council on the 23rd of May, 1864, respecting the mode in which the side-road between lots twenty-six and twenty-seven has been established. This side-road, as fenced in the rear, is only sixty-one links in width. The complainant contends that he has an original stake at the north-east corner of lot twenty-seven, and that the land necessary to make the road one chain in width should be taken from the adjacent land, notwithstanding the block, of which his lot forms a part, has a surplus of fifty-six links in the rear. I have before observed, that there is no evidence, from the original field-notes, of any side-lines having been run, or of any posts planted in the rear of the lots; and that, what Mr. Walton contends for is incorrect, either under the General Survey Act for the Province, or the special statute for this township. This reply is also applicable to the "protest" of Thomas Wilson, lot twenty-three, in concession C, who says, December 28th, 1863, that I have passed over an original line tree on the north-west corner of lot twenty-two in said concession; meaning thereby, that I have

not been guided by it in establishing the side-road between lots twenty-two and twenty-three.

The side-roads between lots twelve and thirteen, lots fourteen and fifteen, lots sixteen and seventeen, and lots eighteen and nineteen, are opened, and have been run parallel to the road established between lots twenty and twenty-one, in conformity with the fifth section of 25 Vic., cap. 38.

Original monuments were found at the south-east angle of lot twenty-one, at the south-east angle of lot twenty-seven, and at the front limit of lots twenty-nine and thirty, in this concession.

#### CONCESSION D.

The side-roads opened, improved and travelled in this concession, are between lots eight and nine, lots ten and eleven, lots twelve and thirteen, lots sixteen and seventeen, lots eighteen and nineteen, lots twenty and twenty-one, lots twenty-four and twenty-five, and the remaining roads to the west of the last mentioned, including the allowance for road at each end of the concession, viz., between Pickering and Scarboro', and between York and Scarboro'.

The unopened road between lots twenty-two and twenty-three has been established, by making an equal division front and rear, between lots twenty and twenty-one, and lots twenty-four and twenty-five. Between lots eighteen and nineteen, the road has been established in accordance with the proviso contained in the second section of 25 Vic., cap. 38, as follows, viz. :—

To commence where the centre line of such side-road will intersect the north side of the allowance for concession road, between concessions C. and D, and run therefrom on a course north sixteen degrees, west a distance of sixty-two chains seventy-nine links, (to the centre of the Highland Creek,) and from thence on a course north ten degrees, forty-five minutes west, a distance of thirty-one chains fifty-nine links, more or less, to the south side of the allowance for concession road, in rear of the said concession D.

The road between lots sixteen and seventeen has been established in like manner, and described as follows:—Commencing on the north side of the allowance for concession road between concessions C and D, thence north sixteen degrees, west (on a straight line drawn from the front to the rear of the concession,) a distance of twenty-eight chains three links; thence north three degrees thirty minutes, west five chains seventeen links; thence north twenty-five degrees, west four chains twenty links; thence north fourteen degrees fifteen minutes, west seven chains fifty links; thence north one degree, east four chains, more or less, to the centre line of said side-road, as drawn on a straight line from front to rear of the concession; thence north sixteen degrees, west on the said centre straight line, thirty-five chains, more or less, to the rear of the concession; and that the said side-roads, with the deviations just mentioned, shall be sixty feet in width throughout, (that is, thirty-three feet in width on each side of the said centre lines.)

On the 25th of November, 1863, a protest was made by William Chamberlain and Eliza Etwell, against the manner in which it was proposed to establish the road between lots twelve and thirteen, by asserting

that it had never been opened for travel from the Kingston road northward, but that a trespass road has been made and travelled on lot number thirteen, not less than about six rods too far westward.

This protest having been withdrawn, and another substituted, to the effect that it had been a disputed road previous to the passing of the Act, I proceeded again to the ground on the 20th of May, 1864, to inquire into the matter, and ascertained there had at one time been some kind of a dispute between the adjacent proprietors respecting the performance of statute labour, but did not consider it sufficient to justify the equal division that was sought to be obtained, and as the principal ground of complaint was that part of a frame dwelling-house, frame barn, and some sheds, would be on the allowance for side-road, by establishing it in a straight line from the centre of the road in the front to the rear, it was therefore, on the 23rd of May following, submitted to your Council to remedy the complaint by causing a deviation from a straight line to be made, as you were empowered to do by the second section of the 25th Vic., cap. 38. This proposal, however, having been disallowed, the road in question remains a straight line from front to rear as at first surveyed.

Original monuments were found at the south-east angle of lot thirteen, the front limit of lots fifteen and sixteen, the south-west angle of lot sixteen, the south-west angle of lot eighteen, the front limit of lots twenty and twenty-one, and the front limit of lots twenty-nine and thirty.

#### CONCESSION FIRST.

The unopened roads in this concession are between lots six and seven, lots eight and nine, lots ten and eleven, lots twelve and thirteen, and have been surveyed in accordance with section four of the 25th Vic., cap. 38. All the remaining side-roads, including the road allowance at each end of the concession, viz., between York and Scarboro', and between Scarboro' and Pickering, are opened, improved, and travelled.

There has been some contention respecting the mode to be adopted to establish the allowance for side-road between lots numbers fourteen and fifteen. By some, it has been considered the most correct to survey it as an opened road, and by others, as an unopened road. At the distance of eighty-five chains fifty links from the front, it is clearly opened, improved and travelled, to the top of the south bank of the Highland Creek, which bank is two chains twenty links from the top to the bottom. By some it is said to be too long and steep to be travelled; although it is opened, and comparatively free from stumps or trees; others assert that it has been travelled. Having, however, received an intimation from your Council that the parties interested had agreed to have it adopted as an open road, I beg to state that it has been established as such. I take this opportunity of remarking, that it would be advisable in future, in order to avoid such like contentions, that the Council and the Surveyor should have a plan arranged between them, on which should be decided what roads were considered as opened and unopened; as in two or more cases that have been under consideration in this township, it has been a matter of question what amount of improvement and travel would constitute an opened road.

The allowance for side-road between lots eighteen and nineteen has been established in accordance with the second section of the 25th Vic., cap. 38, as follows, viz.:—Commencing at the intersection of the north side of the allowance for road, between the first concession and concession D, with the centre line of the side-road; thence north sixteen

degrees four minutes, west forty-one chains seventy-two links, (to a point thirty-three feet west of where the east side of the said road at present intersects the south side of the Danforth road); thence north fifteen degrees fifty-six minutes, west fifty-two chains fifty-five links, to the south side of the allowance for road in rear of the concession.

Original monuments found on this concession were at the south-east and south-west angles of lot number one, at south-east angle of lot two, at south-east angle of lot five, at the front limit of lots five and six, at south-east angle of lot nine, at south-west angle of lot ten, at south-east angle of lot twenty-one. It is, however, presumed, that here as well as elsewhere, good evidence may be procured of other existing monuments, particularly at the division line between lots.

#### CONCESSION SECOND.

The "unopened" roads in this concession are, first the allowance for road between Pickering and Scarborough, and between lots two and three, lots six and seven, lots ten and eleven, lots fourteen and fifteen, and lots sixteen and seventeen. All the remainder are "opened, improved, and travelled."

It has, however, been objected to by William Westney, that the road between lots twelve and thirteen is "an opened road," and he seems determined to maintain that opinion. I shall here copy his "protest" in full.

#### *To the Reeve of the Township of Scarboro'.*

SIR,—I beg respectfully to protest against the position of the allowance for road between lots twelve and thirteen, concession second, of the Township of Scarboro', as now laid down by Mr. Passmore, for the following reasons:

1. That the position of the road allowance between lots twelve and thirteen, concession second, has been in dispute for more than twenty-five years, in fact, since certain lines were run by Mr. Galbraith, Provincial Land Surveyor, in or about the year 1836.
2. That said road allowance was only partially opened in the year 1858, and is not fully opened at the present time.
3. That, to the best of my knowledge, there is no original monument that I can swear to between lots eight and eighteen in concession second.
4. That there is no travelled side-road from the side-road between lots eight and nine, and the side-road between lots eighteen and nineteen of the second concession.
5. That, under these circumstances, it was the duty of Mr. Passmore, as provided by the 25th Victoria, chapter 38, section 4, to have established the position of the road allowance between lots twelve and thirteen, concession second, as to have left an equal breadth to each of the lots from number nine to number eighteen, inclusive, of the second concession.

I have the honor to be, Sir,

Your very obedient servant,

(Signed) WM. WESTNEY.

Scarboro', November 17th, 1863.

To the first clause of the protest I beg to remark, that if this had been a "dissented road" the complainant had an opportunity of proving it as such at the "public meetings" which were called for the purpose of hearing and determining such matters; that although he neglected to attend those meetings, he was heard at a meeting of your Council, on the 25th of November, 1863, and failed, both by himself and by witnesses, to show that any dispute had ever existed respecting this side-road; that he nevertheless requested to be allowed the opportunity of producing further evidence, which was granted to him, (a copy of the affidavit is hereinafter given). To show that his assertion is incorrect; that he, (the complainant), has several times been "pathmaster" for work done on the said road, and that between the years 1858 and 1862, the sum of \$143.88 has been expended by special grants on the said road, irrespective of the annual "statute labour," which sum the complainant had under his own control, for digging down the hills and filling across the ravines. If, therefore, there had been any dispute, why was this work done in the wrong place?—more especially, as if what he contends is correct, viz., that the proper position of the road should have been further west, less labour, &c., would have been required in excavating and filling, as the water-channels, which form the hollows, commence from the west and increase in depth and width as they flow towards the east.

To the second clause of the protest, if the "road is not fully opened at the present time," it is because that at the front of the lots it is only forty-five links in width, and not of the full width of one hundred links; and in order to make it this width I have taken off twenty-seven and a-half links from each lot; hence the complaint and protest from the present owner of lot twelve, who desires that all the land required to form the space for road at the front shall be taken from the adjacent lot, thirteen. This width of twenty-seven and a-half links does not continue throughout the whole length of the side-road, but comes to a point at forty chains from the front of the concession. The proprietor of the adjacent lot (Mr. Humphreys) is satisfied with the manner in which the road has been established, although the same width of twenty-seven and a-half links has been taken (apparently) from his lot to complete the space required for the front of this side-road. I say "apparently taken," because it has been enclosed within the fences of the fields on each side.

The complainant says, in the fourth clause of his "protest," that there is no travelled side-road between lots eight and nine, and lots eighteen and nineteen, in this concession. I admit there is no other side-road between the said lots opened and capable of being travelled from front to rear of the concession, except the present one under consideration, but maintain that this one is opened, and capable of being travelled from front to rear, although it is rarely travelled throughout its entire length, in consequence of the corresponding road in the first concession being "unopened," in fact, being totally unfit for a highway, in consequence of the deep ravines which intersect it; also, because the concession road in front from lots numbers four and five to lot number fourteen, and part of lot fifteen, is not opened for travel; but the complainant cannot deny but that it is travelled as much as any ordinary side-road in the township, from the rear of the concession southward to the "Danforth Road," which said road intersects this side-road at a distance of half a mile from the front of the concession. As to the amount of "land" that can be taken across the ravines from the "Danforth Road" to the front of the concession, is a question the surveyor, in the re-survey of this township,

has nothing to do with. His duty was to see if "statute labour" and "public money" had been expended thereon, and to establish such as "opened side-roads."

CANADA,  
*United Counties of York and Peel,* }  
 TO WIT :

I, Matthew Swallow, senior, of the Township of Pickering, County of Ontario, farmer, make oath and say, that it is now twenty-nine years ago last "Fall" since I first came to live on lot number twelve, concession second, in the Township of Scarborough; and the same year I employed a Mr. Galbraith, a surveyor, to survey the boundaries of the said lot twelve, and Mr. Peter Stoner acted as chainbearer in the said survey. Mr. Galbraith commenced his survey at the south-west corner of lot fourteen, concession second, as the surveyor told me that there was a living monument, a hemlock tree, at that corner, which was an original monument, and from which he would have to commence.

I have been there on the day of the date hereof, at or near the south-west corner of lot fourteen, above mentioned, to examine for the said hemlock. I have examined several hemlocks in the neighbourhood, and have seen one which I believe was the tree which Mr. Galbraith commenced to survey from, but as I have been absent from the neighbourhood of the aforesaid lots about twenty-four years, I cannot be positive and would not like to swear to it as the same tree. Mr. Galbraith chained eastward across lots fourteen, thirteen and number twelve, and at the front limit of lots eleven and twelve, we found a large hemlock, which Mr. Galbraith said was an original monument. This last mentioned monument I this day showed to Provincial Surveyor F. F. Passmore and others. There was at the time of this survey no living monument at the front of the allowance for side-road between lots twelve and thirteen, concession second, but as Mr. Galbraith was surveying lot twelve for me he planted a stake at the south-west corner of said lot twelve. By a "living monument," I mean a growing tree. There was no stake or other boundary mark at the front of said road allowance when Mr. Galbraith made the survey. I lived on lot twelve aforesaid five years, and then leased it for five years to Mr. William Westney, the present owner, at the expiration of which time I sold my right to the lot to the said Mr. Westney.

When I lived on lot twelve, a person by the name of Morin owned the south hundred acres of lot thirteen, in the second concession. I rented the said lot from Morin for the five years which I lived on the adjoining lot twelve. There was no road opened between lots twelve and thirteen, in the second concession, when I lived on lot twelve, and no dispute existed respecting the location of the said road in my time.

Mr. Galbraith ran completely around lot twelve, concession second. There was in my time a dispute between Morin and Booth, respecting the division line between lots thirteen and fourteen, concession second, just after the time of Galbraith's survey. Booth then owned lot fourteen. When Galbraith made the survey of lot twelve for me, he left eight rods for the allowance for road between lots twelve and thirteen; the surveyor said that Booth's lot was four rods too narrow, but subsequently Booth moved the division line four rods to the east to make up the full breadth of his lot. The eastern side of Morin's lot was all in woods. When I

lived on lot twelve, I cleared from the southermost gully to the concession road in front of the lot, and cleared on to the side-road probably half its width or more, as I never considered that it would be opened for travel, and fenced it in.

Taken and sworn before me, at Scarborough Township, the twenty-fourth day of March, 1864, having been first read over to the deponent before his signing the same.

(Signed) MATTHEW SWALLOW, Senr.

F. F. PASSMORE,  
*Prov. Land Surveyor.*

The complainant has not shown that the fence, alluded to in the latter part of the affidavit, was ever removed from being on the side-road.

I have now to consider the "protest" of Robert Johnson and Andrew Johnson, residing on lot twenty-one, in this concession, although it is scarcely necessary to allude to it. The Council, after hearing the matter, directed that "the road in question should be disposed of by the surveyor as a disputed road." It had been so established, but on a re-examination and measurement of the concession road in rear, it was ascertained that lots nineteen and twenty were together three feet wider than the adjacent lots twenty-one and twenty-two, which has been corrected accordingly, and placed on an equal division.

The next "protest" is from Christopher Thomson, dated 28th December, 1863, respecting the north-west angle of lot thirty-four, having been, according to the "protest," located too far south. I paid a visit to this locality on the 23rd of April, ult., for the purpose of inquiring into the matter, neither Thomson, the owner of the north-half of lot thirty-four, in the second concession, or Burke, on the south-half of lot thirty-four, in the third concession, were prepared with any witnesses. The witness proposed by Thomson lived in the Township of Oxford, and Burke's witness in the Township of Osprey. Thomson's witness was to prove to the cutting of a certain "pine tree" for shingles, which had been blazed as a concession line tree; the witness, however, had been absent about twenty years, the stump of the tree was dug up ten or twelve years ago, the ground on which it stood has been cultivated as a garden, and as neither Thomson or Burke, who were living there when the tree was cut, or any of the neighbours, could point out the spot, I could not see there was any prospect of being able to ascertain the fact from a person who had been absent so many years.

Then, as to Burke's witness, (his son,) he was to prove to the position of an old stake at the south-west corner of lot thirty-four, in the third concession. The stake was removed and a boulder said to have been substituted by the witness; search was made beneath an accumulation of blacksmith's cinders and refuse, but no boulder was found, and, if it had been discovered, it seemed to me doubtful whether it could have been satisfactorily shown to have been placed on the site of an original. There is this, however, in favour of what Thomson contends for, that the present division line between the north-half and south-half of lot thirty-four, in the third concession, if measured from the place where Burke contends the south-west angle of the lot should be, will be too far north, whereas if measured from where Thompson says it should be, the present division line fence will be correct. I have also, on the other hand, applied the same test between the north-half and south-half of lot thirty-four, in the

second concession, but without arriving at the same results. I have further ascertained that by running a straight line between the nearest "points and places" on the concession, would bring the road allowance several feet further south than where it now is. Christopher Thomson, the complainant, volunteered to give the evidence on the subject, and I reduced it to writing on the 25th of April, before leaving the neighbourhood. Not having, however, been called as a witness by the opposite party, it is questionable whether or not he can give evidence in his own behalf. The cut stone monuments, therefore, remain as they were planted before the "protest" was made; but should the statutes for the re-survey of this township admit of a point to be reserved for further investigation, this case might claim the privilege.

#### CONCESSION THIRD.

The side-roads opened in this concession are between lots twelve and thirteen, lots fourteen and fifteen, lots eighteen and nineteen, and all west of the last mentioned road, including the allowance for road between York and Scarborough. The side-road between lots ten and eleven is also opened, improved and travelled, but disputed in the rear.

The "unopened" side-roads are between Pickering and Scarborough, between lots two and three, lots four and five, lots six and seven, lots eight and nine, lots sixteen and seventeen.

The side-roads from Pickering to lot twelve and thirteen have been established by making an equal division front and rear from the "governing line" between Pickering and Scarborough, and the opened, improved and travelled road, between lots twelve and thirteen.

An affidavit of Peter Stoner, taken before me on the 24th of March last, says there is an original monument, a "birch stub," at the south-west angle of said lot ten, and adds, that it has been acknowledged as such by Provincial Surveyors David Gibson, Galbraith, and Rankin. I have, however, a copy of Mr. Gibson's field-notes furnished me by himself before I surveyed this concession, and he did not consider it an original monument, but made an equal division from the Pickering line to a cedar stump (at the south-east angle of lot seventeen) squared, and an old monument, undisputed, taken by Rankin and other surveyors. From this remark in Mr. Gibson's notes, I was of opinion that Rankin and the other surveyors had not taken the "birch stub" as an original.

The side-road between lots sixteen and seventeen was not made on an equal division between the roads at lots fourteen and fifteen, and between lots eighteen and nineteen it was equally divided in the rear between these roads, while the front was defined by the "cedar stump" at the south-east angle of lot seventeen, before alluded to.

The matter of the protest of Thomas Kennedy, viz., that the south-west corner of lot twenty six, in this concession, was located too far north, was inquired into, and on his producing John D. Thomson, a resident and owner of the south-half of lot twenty-seven, in the second concession, and John Chapman, senior, a resident and owner of the north half of lot twenty six, in the third concession, as witnesses to prove the proper position of the south-west corner of said lot twenty-six, their evidence was reduced to writing, and the cut stone monuments established in accordance therewith. (There would have been no necessity for any of those protests if the land owners and others had attended the "public meetings" which were called for the purpose of taking evidence.

## CONCESSION FOURTH.

The "opened" roads in this concession are the allowance between Pickering and Scarborough, between lots two and three, lots six and seven, lots sixteen and seventeen, lots twenty and twenty-one, and all roads west of the last mentioned, including the allowance for road between York and Scarborough, excepting the side-road between lots thirty-four and thirty-five, which, although opened, &c., has been for a long time a "disputed road."

The "unopened roads" are between lots four and five, lots eight and nine, lots ten and eleven, lots twelve and thirteen, lots fourteen and fifteen, and lots eighteen and nineteen.

The side-roads between lots four and five have been established by making an equal division between original monuments, one at the front limit of lots three and four, and another at the front limits of lots five and six, and in the rear by making an equal division between the opened side roads at lots two and three, and lots six and seven.

The road between lots eight and nine, lots ten and eleven, lots twelve and thirteen, and lots fourteen and fifteen, have been established by making an equal division in front and rear between the opened side-roads between lots six and seven, and between lots sixteen and seventeen. A "protest" was made against the manner in which the road between six and seven was taken as an "opened road;" but as it was ascertained by the complainants that they could only obtain an additional width of two links to each lot in question, which had already five and a-half links surplus to each, whilst it would leave the frontage of lot six only nineteen chains fifty-seven links, the complaint was allowed to drop.

The road between lots eighteen and nineteen has been established by making an equal division front and rear from the road on the east, between lots sixteen and seventeen, and the road on the west, between lots twenty and twenty-one. At the south-west angle of lot twenty-eight is a large willow tree, growing on the site of the original monument. The cut-stone monument at this corner is planted *ten feet*, on a course north seventy-four degrees east from its proper place. A notch is cut in the tree, and a rivet-headed nail is driven in to mark the exact spot.

The side-road between lots thirty-four and thirty-five has been established by an equal division in the rear from the side-road between lots thirty-two and thirty-three to the north-west angle of lot thirty-five, (the last lot in the concession), and from the point so found in the rear a straight line was drawn to the front, where there is an original monument at the south-east angle of lot thirty-five.

## CONCESSION FIFTH.—(SOMETIMES CALLED THE GORE.)

The "opened" roads in this concession are the allowance between Pickering and Scarborough and between lots two and three, lots six and seven, lots sixteen and seventeen, lots twenty and twenty-one, and all west of the last mentioned road, including the allowance between York and Scarborough. The "unopened roads" are between lots four and five, lots eight and nine, lots ten and eleven, lots twelve and thirteen, lots fourteen and fifteen, and lots eighteen and nineteen. A reference to the plan herewith will sufficiently explain the divisions that have been made front and rear. The boundary stones in the rear of this concession have

been established by ranging the respective base lines of the fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh concessions of Markham, and planting the said monumeets four rods south of the said lines, which lines, as remarked at the commencement of this report, had been established by the boundary line commission.

The number of cut-stone monuments planted in this survey has been five hundred and thirty-four; three feet six inches in length, and set two feet ten inches in the ground.

On the bank of Lake Ontario the monuments have been planted at some distance from the edge of the bank. At first it was intended to have had them all at the distance of one hundred feet, but it was found that this plan could not be carried into effect. They are, therefore, at variable distances back, adapted to the nature of the ground and other circumstances.

The monuments planted at the south-west angle of each concession on the western boundary of the township between York and Scarboro' are not in their proper positions, the boulders planted by Messrs. Gibson and Smith pre-occupying the spot. The boulders, therefore, will in future be the guide at these corners, but the cut stone monuments may be taken as correct for the north-west corner of each adjacent concession.

All roads established herein under the proviso contained in the second section of the 25th Vic., cap. 38, have been described by the centre lines, and the said roads with such deviations are to be sixty-six feet in width throughout (that is, thirty-three feet in width on each side of the said centre lines.)

All which is most respectfully submitted.

F. F. PASSMORE,

*Provincial Land Surveyor.*

Toronto, June 6th, 1864.

P.S.—By the bearing of north sixteen degrees west, in roads established under the proviso just mentioned, is intended the course of a straight line from the cut stone monument placed at the front and rear of the concession in each side-road then under consideration. The course of any other line is made in accordance therewith.

F. F. P.

Certified a true copy. }  
 September 3rd, 1864. }  
 F. F. PASSMORE. }

Presented by the Reeve, petition of William Helliwell, Esq., and others, recommending Mr. George Badgerow, as qualified to fill the office of Clerk and Treasurer.

Presented by Mr. Crawford, petition of Martin Badgerow, Esq., and others, praying the Council to appoint Mr. Alexander H. Telfer, to the office of Clerk and Treasurer.

Presented by Mr. Stephenson, protest of John Duncan, against the survey, being owner of north-west quarter of lot No. 7, in the 2nd concession.

Presented by Mr. Stephenson, protest of Alexander Neilson, against survey, being owner of west half of lot No. 8, in con. D.

Presented by the Reeve, petition of David Shaw, together with the plan of his property, praying the Council to sell him the Danforth Road, opposite his property, on north-west corner of lot No. 22, concession D..

Presented by Mr. Crawford, his resignation as Councillor for Ward No. 3.

The Reeve laid on the table, report of the Auditors, with abstracts stating the amount of cash in the Township Treasurer's hands, amount of securities, and amount to be accounted for by James Moyle, late Treasurer.

Presented by Mr. Brown, application of J. Crawford, to be appointed Clerk and Treasurer.

Mr. Brown moved, seconded by Mr. Clark, that Mr. Passmore, having completed the survey of the Township, the Reeve be and is hereby authorized to grant him an order on the Treasurer for the balance of his pay, viz, (\$920,) nine hundred and twenty dollars. Carried.

Mr. Brown moved, seconded by Mr. Clark, that Mr. Passmore's account of eight dollars, for a copy of report of survey, be paid, and that the Reeve grant him an order on the Treasurer for the same. Carried.

Mr. Clark moved, seconded by Mr. Brown, and resolved, that in reply to the petition of David Shaw to this Council, the Reeve be authorized and is hereby required to sign a conveyance to the said petitioner of that part of the Danforth Road, as prayed for, which is more particularly described as follows, viz:

Commencing at the intersection of the west side of the said Danforth Road, with the south side of the allowance for road between concession D, and the first concession; thence north seventy four degrees, east forty two feet more or less to the east side of the Danforth, as formerly travelled; thence south-westerly along the east side of the said road eight chains seventy four links, to a point opposite the southern boundary of the said

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petitioner's land ; thence south seventy four degrees, west forty-two feet more or less, to the west side of the aforesaid Danforth Road ; thence north-easterly eight chains seventy four links, more or less, to the place of beginning, containing by admeasurement five-tenths of an acre, more or less, on condition that the petitioner pay the sum of five dollars for the said piece of land to the Treasurer of this Township, and otherwise defray any cost that may be necessary in so conveying the same. Carried.

Moved by Mr. Brown, seconded by Mr. Clark, that in accordance with a resolution passed at last meeting of Council, the Auditors have examined the accounts and cash in the late Treasurer's hands, and report a deficiency of cash to the amount of eight hundred and eighty seven dollars seventy six cents (\$887.76), the Clerk is hereby ordered to notify his securities, Messrs. Archibald Forfar and William Forfar, of said deficiency, and that this Council will look to them to make good the same forthwith. Carried.

Moved by Mr. Brown, seconded by Mr. Clark, that the Reeve be and is hereby authorized to employ such a person as he may see fit to examine and post the books of the late Clerk and Treasurer of this Municipality. Carried.

Mr Clark moved, seconded by Mr. Crawford, that the Treasurer be and he is hereby authorized to receive from E. Wheeler, Esq., interest on mortgage of three thousand three hundred dollars, (\$3,300,) at the rate of 8 per cent, instead of 9 per cent per annum, as formerly ; this arrangement to commence and to be reckoned from the 4th day of February, 1864. Carried.

Presented by Mr. Crawford, report of select committee appointed to examine certain bridges.

*To the Corporation of the Township of Scarboro', in Council assembled :*

The select committee appointed to examine the bridges on the town line over the Little Rouge, and on the Markham Road over the Highland Creek, near Mr. Secor's place, beg to report as follows :—

1. Your committee found on examination that the bridge on the town line was completely broken down, and that a bridge was much needed in said locality, both for the town line and the side-

road between lots No. 6 and 7, where it immerses into the town line, and that by embanking the south side of the Rouge on the town line, on the west side of said side-road, one bridge would serve for both roads, thereby saving this corporation the expense of building a bridge for the side-road alone, which will we think entitle this township to bear an equal share of the expense.

2 Your committee would therefore recommend your Council, to grant the sum of one hundred and ten dollars, (\$110,) to carry out said report.

3. With regard to the bridge on the Markham Road, your committee found on examination that the bents were quite good, but the sleepers were unsafe for public travel.

4. Your committee would therefore recommend, that the sum of twenty dollars, (\$20,) be granted to put new sleepers and repairs necessary to make it safe.

All of which is respectfully submitted.

JOHN CRAWFORD, *Chairman.*

Scarboro', 5th September, 1864.

Report received and adopted.

Moved by Mr. Stephenson, seconded by Mr. Crawford, that the sum of one hundred and ten dollars be granted to build a bridge on the town line between Markham and Scarborough, over the Little Rouge, at the north end of side-road between lots Nos. 6 and 7, providing Markham Council grant an equal amount, and that Messrs. Simeon Reesor, Andrew McCreight and Noah Reesor, be appointed Commissioners to expend the same ; payable on order of the Councillor of Ward No. 2. Carried.

Mr. Crawford, seconded by Mr. Stephenson, moved, that the sum of twenty dollars (\$20.) be granted to repair the bridge over the Highland Creek, on the Markham Road, near Mr. Secor's place, and that Messrs. George Secor, John Beard, and William Hall, be appointed Commissioners to expend the same ; payable on order of the Councillor of Ward No. 3. Carried.

Mr. Stephenson, seconded by Mr. Brown, moved, for leave to introduce a By-law for appointing a Collector of Taxes for 1864 ; leave granted ; by-law read a first and second time, and, on motion, the Council went into committee of the whole thereon.

Mr. Brown in the chair.

Committee rose, reported By-law as amended ; report received and adopted ; By-law read a third time and passed, and ordered to be signed.

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BY-LAW No. 158,

*For the Appointment of Collector of Taxes for 1864.*

The Corporation of the Township of Scarborough enacts as follows :

That Daniel Ferguson be and he is hereby appointed Collector of Taxes for the current year, at a salary of eighty dollars.

Passed this 7th day of September, 1864.

(Signed) JOHN P. WHEELER,  
JOHN CRAWFORD, *Town Reeve.*  
*Town Clerk, pro tem.*

Mr. Stephenson asked leave to introduce a By-law to authorize the collection of School Moneys ; leave granted ; By-law read a first, second, and third time, passed and signed.

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BY-LAW No. 159,

*To authorize the Collecting of School Money.*

The Corporation of the Township of Scarborough enacts as follows :

That the following named sums be levied and collected from the ratable property of the following named School sections, viz :

School Section	No. 3,	the sum of.....	\$160 00.
"	No. 4,	" .....	120 00.
"	No. 7,	" .....	140 00.
"	No. 10,	" .....	200 00.

Said sums to be collected over and above all other rates and assessments for the current year, for School purposes, together with five per cent. for preparing the several rolls and collecting the same.

Passed 7th September, 1864.

(Signed) JOHN P. WHEELER,  
JOHN CRAWFORD, *Town Reeve.*  
*Town Clerk, pro tem.*

Mr. Stephenson, asked for leave to introduce a By-law for Levying and Collecting a Tax for Township purposes ; leave granted ; By-law read first, second and third time, passed, and signed.

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BY-LAW No. 160,

*For Levying a Tax for Township purposes.*

The Corporation of the Township of Scarborough enacts as follows :

That there be raised, levied, and collected from the ratable property of the township the sum of one mill in the dollar, in addition to all other rates and assessments for the current year ; such tax to be applied in the payment of the general expenses of the municipality.

Passed this 7th day of September, 1864.

(Signed)            JOHN P. WHEELER,

JOHN CRAWFORD.

*Town Reeve.*

*Town Clerk, pro tem.*

Mr. Brown, seconded by Mr. Stephenson, moved, that the resignation of John Crawford, as Councillor for Ward No. 3, be accepted. Carried.

Mr. Clark, seconded by Mr. Stephenson, moved, that Thomas Brown, Esq., be elected Deputy Reeve of the Township of Scarborough, in place of John Crawford, resigned. Carried.

Mr. Stephenson moved for leave to introduce a By-law to appoint a Clerk and Treasurer. Leave granted.

By-law read a first and second time, and on motion the Council went into committee of the whole thereon.

Mr. Clark in the chair.

Committee rose, and reported the By-law as amended. Report received and adopted. By-law read a third time, passed and signed.

## BY-LAW No. 161,

*For Appointing a Clerk and Treasurer, and fixing the salary thereof.*

The Corporation of the Township of Scarborough enacts as follows.

That John Crawford be, and he is hereby appointed, Township Clerk and Treasurer for the Township of Scarborough, at a salary of two hundred and forty dollars per annum, said salary to be in lieu of all per centages of money coming into his hands as sub-treasurer of school moneys.

Passed this 7th day of September, 1864.

(Signed) JOHN P. WHEELER,  
JOHN CRAWFORD. *Town Reeve.*  
*Town Clerk, pro tem.*

Mr. Stephenson moved, seconded by Mr. Clark, that the Council do now adjourn, to meet again on the third Monday in October, being the 17th, 1864. Carried.

Scarboro,' 7th September, 1864.

(Signed) JOHN P. WHEELER,  
J. CRAWFORD. *Town Reeve.*  
*Town Clerk, pro tem.*

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## TWELFTH MEETING

*Of the Municipal Council of the Township of Scarboro', held pursuant to adjournment.*

MONDAY, 17th October, 1864.

MEMBERS PRESENT.—J. P. Wheeler, Esq., *Reeve*; Thomas Brown Esq., *Deputy Reeve*; William Clark, Esq.

*Township of Scarboro'.*

This is to certify that by virtue of a writ of election, dated the tenth day of September last past, issued by the Reeve, and addressed to John Muir, Returning Officer of Ward No. 3, of said township, for the election of a councillor to represent the said ward in the corporation of

the said township for the present year, in room of John Crawford, resigned, James Purvis, Esq., has been returned as duly elected accordingly, as appears by the returns of the said writ of election, dated the twentieth day of September, 1864, which is now lodged in my office.

JOHN CRAWFORD, *Clerk.*

Scarboro', 23rd September, 1864.

James Purvis, Esq., having taken and subscribed to the oath of qualification and of office, according to law, before J. P. Wheler, J. P., took his seat as Councillor for Ward No. 3.

Minutes of last meeting read and confirmed. •

Presented by the Reeve, petition of James Moyle, late Treasurer, praying to be remunerated for his services as sub-treasurer of school moneys for nine years and three months. Read and laid on the table.

Presented by the Reeve, petition of John Stonehouse and others, praying the Council to get Peter Kennedy admitted to the Toronto General Hospital.

The Reeve laid on the table Report of Mr. William Shirrefs, on Scarboro' Township Accounts, from 1st January to 31st August, 1864.

*To the Hon. the Reeve and Councillors of the Municipality of Scarboro' :*

GENTLEMEN,—In accordance with the request of J. P. Wheler, Esq., the Town Reeve of the Municipality, I have, so far as possible, examined and posted up the books and accounts of James Moyle, the late Township Treasurer, and have the honor to report,—

1. That, accompanied by Mr. John Crawford, the present Clerk and Treasurer, I thoroughly examined all books, papers, and vouchers, I could find at Mr. Moyle's residence, with reference to accounts for the current year. I did not see Mr. Moyle, and consequently received no assistance or explanation from him. The necessity for this was the more felt, in consequence of no regular set of books, either by single entry, or any other system whatever, having been kept. The method adopted appears to have been to make up an annual balance or statement, not from the balances arising from a system of book-keeping, one account checking and proving the other, but from entries scattered over portions of old memorandum books and loose papers. It is clearly impossible that accuracy or certainty can be arrived at in this way, for however correct the method of making up the balances may be, there can never be any

certainty that all the items are included. On this data, however, such as it is, for I had no better, I posted up into a sort of balance ledger, in use for this purpose for some years by Mr. Moyle, all the items that could be found on the "General Expenditure Accounts," and "Clergy Reserve Accounts," respectively, the result of which I have the honor to submit in the papers marked A and B, herewith enclosed, containing abstracts thereof. Full details will be found in the books.

2. Referring to accounts on paper marked A, I commenced by carrying to debit of his cash account an item of \$1,789.90, stated in last year's balance to have been on hand on 31st December, 1863, cash received for licenses, and some other items of non-resident taxes, make up the total amount on the debit side of this account to \$2,402.25. On the credit side, the general expenditure, for which I found any entries or vouchers, amount to \$284.04; cash paid ward expenditure, vouched for, \$444.10; and cash admitted to have been paid into the hands of the new Treasurer, \$951.43, leaving a balance of \$722.78 against Mr. Moyle. I posted up all grants to the different wards, and all the payments on account of, shewing the balances due to each respectively.

3. Referring to accounts on paper marked B, I examined and classified the different securities in the Clergy Reserve Fund. There are debentures amounting to \$5,200, and a mortgage on land for \$3,300, in all \$8,500. Interest appears to have been received on these securities, including a balance of \$21, carried from last year, amounting altogether to \$591.51. The payments to school sections Nos. 1, 2, 5, 6, 7, 9, 10, and union, to the amount of \$268.39, thus leaving a balance to be accounted for by Mr. Moyle of \$323.12. The interest received from city of Toronto debentures, due in July last, is not entered any where that I have been able to find, and the only evidence of such payment having been actually made is that the coupons for such are missing from the debenture sheets.

For local school funds I found no data or voucher of any kind, nor could I find any available data for making out a statement of assets and liabilities of any reliability, and consequently I have not attempted what must at best have been entirely valueless.

On the whole, the result of these investigations are, that the balances to be accounted for by the late Treasurer are as follows:

On the general account.....	\$722 78
“ Clergy Reserve account.....	323 12

Total.....	<u>\$1,055 90</u>
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All which is respectfully submitted.

(Signed) WILLIAM SHIRREFS.

Spring Grove, 24th September, 1864.

The Reeve laid on the table, account of Wm. Shirrefs, for examining and making up the township accounts for 1864, amounting to \$10.

Mr. Brown moved, seconded by Mr. Clark, that the account of William Shirrefs, for examining and making up the late Treasurer's books be paid, and that the Reeve grant an order on the Treasurer for the payment of the same. Carried.

Mr. Brown moved, seconded by Mr. Clark, that in case the securities of the late treasurer refuse to make good his defalcations, that the Reeve be, and is hereby instructed to take legal steps to prevent the corporation from suffering pecuniary loss by such defalcation. Carried.

Mr. Purvis moved, seconded by Mr. Clark, that the petition of Peter Kennedy, for a sum of money, be granted, to enable him to be admitted into the General Hospital, Toronto. Carried.

Mr. Brown moved, seconded by Mr. Clark, that this council do now adjourn, to meet again on the 28th of November next. Carried.

JOHN P. WHEELER,

JOHN CRAWFORD,

*Town Reeve.*

*Clerk.*

Scarboro', 17th October, 1864.

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### THIRTEENTH MEETING.

*Of the Municipal Council of the Township of Scarborough, held pursuant to adjournment.*

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MONDAY, November 28, 1864.

**MEMBERS PRESENT.**—John P. Wheeler, Esq., *Reeve*; Thomas Brown, Esq., *Deputy Reeve*; William Clark, Esq., John Purvis, Esq., Donald Stephenson, Esq.

Minutes of last meeting read and confirmed.

Presented by the Reeve, communication from W. Shirrefs with an account from H. Rowsell against the municipality, amounting to \$1.80 cents.

By the Reeve, account of F. F. Passmore, P. L. S., for taking levels of Grand Trunk Railway embankment on side-road, between lots Nos. 6 and 7, con. B, and preparing description by metes and bounds of proposed deviations on certain side-roads, amounting to \$29 55 cents.

Mr. Brown moved, seconded by Mr. Clark, that the account of H. Rowsell of \$1.80, for goods delivered by the firm of the late Thompson & Co., to James Moyle, late Clerk and Treasurer, be paid, and that the Reeve grant an order on the Treasurer for the payment of the same. Carried.

Mr. Brown moved for leave to introduce a By-law to appoint returning officers and places for holding the elections for 1865; leave granted; By-law read a first and second time; on motion, the Council went into committee of the whole thereon.

Mr. Stephenson in the chair.

Committee rose, reported the By-law as amended; report received and adopted; By-law read a third time and passed.

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BY-LAW No. 162,

*To authorize the Appointing of Returning Officers, and places for holding the Municipal Elections for the years 1865.*

For Ward No. 1—George Palmer,	Returning Officer.
“ No. 2—William A. Milne,	“ “
“ No. 3—John Muir,	“ “
“ No. 4—Daniel Ferguson,	“ “
“ No. 5—William Clark,	“ “

And that the following named places be, and are hereby appointed as fit and proper places at which to hold said elections, that is to say :

Ward No. 1—School House, Section No. 10.

“ No. 2—Stephenson's Hall, 1st con. lot No. 9.

“ No. 3—Johnston's Hall, 1st con. lot No. 19.

“ No. 4—Temperance Hall, M't Meldrum, 3rd con. lot No. 24.

“ No. 5—School House, Section No. 5, 2nd con. lot No. 30.

And that the Reeve issue the warrants accordingly.

Passed 28th November, 1864.

(Signed)

JOHN P. WHEELER,

JOHN CRAWFORD,

Town Clerk.

Town Reeve.

Mr. Wheler asked for leave to introduce a By-law, to prohibit the sale of intoxicating liquors and the issuing of licenses therefor. Leave granted.

By-law introduced, read the first, second and third time and passed, and signed.

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BY-LAW No. 163.

Be it enacted by the Council of the Corporation of the Township of Scarboro,' and it is hereby enacted by the authority of the same, that the sale of intoxicating liquors, and the issuing of licenses therefor, is hereby prohibited within the Municipality of Scarboro,' under the authority and for enforcement of the Temperance Act of 1864.

Passed 28th November, 1864.

(Signed)	JOHN P. WHEELER,
JOHN CRAWFORD,	<i>Town Reeve.</i>
<i>Town Clerk.</i>	

Mr. Brown moved, seconded by Mr. Stephenson, that By-law No. 163 be submitted for approval to the municipal electors of the municipality, in accordance with the terms of the Temperance Act of 1864, and that a poll be opened for that purpose on the fifth day of January, 1865, at Smith Thompson's Temperance House, lot No. 18, con. 3rd, and that the Clerk publish the By-law, and give the necessary notice in accordance with the statute. Carried.

Mr. Purvis moved, seconded by Mr. Brown, that the account of Thomas Stephenson, of two dollars and eighty cents, (\$2.80,) be paid for lumber to repair the bridge over the Highland Creek, on the Markham road, near Mr. Secor's place; said sum payable on order of the Councillor for Ward No. 3. Carried.

Mr. Stephenson moved, seconded by Mr. Purvis, that the Treasurer pay, on order of the Reeve, the sum of sixteen dollars twenty cents, (\$16.20 cents) being the amount of F. F. Passmore's account for attending Council Meeting to exhibit plans showing proposed deviations, travelling expenses, and preparing description by metes and bounds of proposed deviations on certain side-roads, as soon as satisfactory evidence is given that all the stones are planted. Carried.

Mr. Brown moved, seconded by Mr. Clark, that the Clerk give the necessary notice that this Municipality will apply to parliament at its next meeting, for an Act to confirm the survey of this township made by F. F. Passmore, P. L. S. Carried.

Mr. Stephenson moved, seconded by Mr. Purvis, that this Council do now adjourn, to meet again on Tuesday, the 27th day of December next. Carried.

Scarboro, 28th November, 1864.

(Signed) JOHN P. WHEELER,  
JOHN CRAWFORD, Town Reeve.  
Town Clerk.

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## FOURTEENTH MEETING

*Of the Municipal Council of the Township of Scarboro', held pursuant to adjournment.*

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TUESDAY, 27th December, 1864.

MEMBERS PRESENT—J. P. Wheeler, Esq., *Reeve*; T. Brown, Esq., *Deputy Reeve*; W. Clark, Esq., D. Stephenson, Esq., J. Purvis, Esq.

Minutes of last meeting read and approved.

Presented by Mr. Purvis, petition of A. McLean, praying the Council to grant him the road allowance, as a recompense for what he has lost by the Markham Road running on lot No. 18, concession 1st.

Presented by the Reeve, account from John Helliwell, Esq., Solicitor, amounting to twelve dollars and fifty cents, dated July, 1861, with a communication on the same.

Presented by the Reeve, account from W. C. Chewett & Co., for stationery for the Municipality, dated 5th December, 1864.

Mr. Brown moved, seconded by Mr. Purvis, that the petition of A. McLean do lay over until next meeting of Council. Carried.

Moved by Mr. Stephenson, seconded by Mr. Purvis, that the altered ten dollar bill received by the late Township Treasurer be not accounted for by him, but charged to the Municipality. Carried.

Moved by Mr. Brown, seconded by Mr. Clark, that the Treasurer receive from Archd. Forfar and William Forfar, the securities of James Moyle, the late Treasurer, a note for two hundred and eighty-five dollars and seventy-six cents, on account of defalcation of said James Moyle, defalcation on clergy reserve account not included, not being settled. Carried.

Mr. Stephenson moved, seconded by Mr. Brown, that the Reeve do take legal advice as regards the defalcation of the late Township Treasurer, and take such steps as he may deem necessary to secure his securities from loss. Carried.

Mr. Brown moved, seconded by Mr. Clark, that the account of W. C. Chewett & Co., of four dollars and fifty-nine cents, be paid, and that the Treasurer remit the same immediately. Carried.

Mr. Brown moved, seconded by Mr. Clark, that the account of the Treasurer, of seven dollars and fifty cents, be paid, and that the Reeve grant an order for the same. Carried.

Mr. Brown moved, seconded by Mr. Clark, that the Treasurer be and he is hereby authorized to buy a trunk to contain his books and papers when conveying them to and from meetings of Council. Carried.

Mr. Stephenson moved, seconded by Mr. Purvis, that this Council do now adjourn *sine die*. Carried.

Scarboro', 27th December, 1864.

JOHN P. WHEELER,  
*Town Reeve.*

JOHN CRAWFORD, *Clerk.*

**ABSTRACT,**

*Shewing amount of resident and non-resident Collector's Roll for  
1864, and amount collected to the 31st December.*

RESIDENT ROLL.		\$ c.	\$ c.
County Tax, General Purposes .....	1611 93½		
“ Common Schools.....	596 34		
“ Superintendents.....	58 80½		
Township Tax for General Purposes.....	1195 69½		
“ Dog Tax.....	91 75		
“ Statute Labour.....	16 12½		
“ School Section No. 3.....	157 78		
“ “ “ 4.....	113 05		
“ “ “ 7.....	140 23		
“ “ “ 10.....	188 66		

NON-RESIDENT ROLL.		
County Tax for General Purposes.....	\$16 49	
“ Common School.....	6 10½	
“ Superintendents.....	58½	
Township Tax for General Purposes., .....	12 24	
“ Statute Labour.....	27 00	
“ School Section No. 3.....	3 53	
“ “ “ 4.....	6 23	
“ “ “ 10.....	12 42	
	<hr/>	84 60

Dr.		
To amount collected 31st December, 1864.....		\$3852 81
“ non-resident taxes returned to County Treasurer for collection.....		84 60
“ due from Collector, taxes for 1864.....		317 56
		<hr/>
	\$4254 97	\$4254 97

JOHN CRAWFORD,  
Treasurer.

# ACCOUNTS OF SCARBORO' MUNICIPAL CORPORATION.

JAMES MOYLE, *in account with the Municipality of Scarborough,*  
*from January 1st to August 31st, 1864.*

## 1864. RECEIPTS.

### Dr.

January 1. To balance cash on hand, per last statement..... \$1789 90

### SHOP LICENSE.

January 1. To cash from George Chester..... 40 00

### TAVERN LICENSES.

January 1.	To cash from	Ingol Burton.....	\$33 00	
"	"	Eli Shackleton.....	33 00	
"	"	Samuel Nighton.....	33 00	
"	"	Alexander Moffatt.....	33 00	
"	"	Richard Sylvester.....	33 00	
"	"	Jonathan Baird.....	33 00	
"	"	Nelson Gates.....	33 00	
"	"	Alexander Thompson.....	33 00	
"	"	William Johnston.....	33 00	
"	"	John Hockridge.....	33 00	
"	"	William Burton.....	33 00	
"	"	John Warffe.....	33 00	
"	"	Henry Lennox .....	33 00	
				429 00

### NON-RESIDENT TAXES.

January 1.	To cash from	J. S. Howard, County Treasurer, omitted in last		
"	"	year's account.....	71 07	
"	"	J. S. Howard, County Treasurer, in the year 1864...	41 75	
				112 82

### MAGISTRATES' FINES.

January 1.	To cash from	Rev. W. H. Norris, J.P. ....	30 00	
				<u>\$2401 72</u>

## 1864. GENERAL EXPENDITURE.

	Cr.	\$	c.	\$	c.
Jan. 11—By	Cash paid S. Reesor, non-resident taxes for 1863, S.S. No. 4.	7	98		
" "	paid J. Crawford, Tr., S.S. No. 3, non-resident taxes for 1863 .....	4	56		
" 18 "	paid Geo. A. Palmer, fees as Returning Officer for Ward No. 1.....	4	00		
Feb. 11. "	paid D. Stephenson, in aid of Wm. Clark, up to 25th January, 1864.....	4	00		
" 16. "	paid Cranswick Craven, fee as Returning Officer for Ward No. 2.....	4	00		
" 22. "	paid John Brodie, for the relief of John Dyer.....	2	00		
" "	paid Globe office, for bills offering \$100 reward.....	1	50		
" "	paid Township Clerk, for extra services for 1863.....	50	00		
" "	paid Mrs. Clark, in aid of Wm. Clark, up to the 29th instant.....	5	00		
" 27. "	paid Mrs. Purdy, for fifteen weeks' keep and clothing for a foundling child to the 22d February.....	16	00		
Mar. 16. "	paid John Muir, fee as Returning Officer for Ward No. 3. ....	4	00		
" 21. "	paid J. Annis, to purchase clothing for "Crazy Bill." ..	6	00		

## GENERAL EXPENDITURE.

1864.	Cr.	\$ c.	\$ c.
Mar. 21.—	By cash paid Wm. Clark, fee as Returning Officer for Ward No. 5.....	4 00	
" "	paid Wm. Clark for his relief, by order of the Council to 4th of April .....	5 00	
" "	paid Rev. W. Belt, in aid of school examination .....	16 00	
May 4. "	paid D. Ferguson, his fee as Returning Officer for Ward No. 4 .....	4 00	
" 18. "	paid George Platt, steward, for J. Dyer while in General Hospital, Toronto .....	2 50	
" "	paid George Platt, steward, for Jane Yellowby while in General Hospital, Toronto .....	7 00	
" 31. "	paid Rebecca Lameroux for her relief, as per order of Council .....	6 00	
June 7. "	paid Mrs. Clark, in aid of Wm. Clark, to the 6th inst., as per order .....	9 00	
July 14. "	paid Mrs. Purdy, for twenty weeks' board and clothing for a foundling child, up to the 11th instant .....	21 50	
" "	paid D. Ferguson, his salary as Assessor .....	70 00	
" "	paid D. Reesor, on account, for printing .....	30 00	
			264 04

## WARD No. 1.

July 11.—	By cash paid J. P. Wheler, for plank furnished for bridges....	8 00	
" 21. "	paid Andrew Hough, for building bridge on road between lots Nos. 30 and 31.....	17 75	
			25 75

## WARD No. 2.

Mar. 7.—	By cash paid P. Cavanagh, for repairing Rouge bridge, between lots Nos. 4 and 5, concession 3. ....	2 00	
June 3. "	paid Wm. Heron, for plank furnished for road in his beat .....	5 00	
" 8. "	paid John Almond, for digging a ditch on the road between lots Nos. 10 and 11, concession 1st....	5 00	
" 22. "	paid James Ormerod, balance for building bridge across Spring Creek, between lots Nos. 10 and 11, concession 2nd. ....	30 00	
July 1. "	paid Stephen Closson, for plank for Rouge bridge, between lots Nos. 4 and 5, concession 3rd .....	6 00	
" "	paid S. Closson, for plank for culverts on his beat.....	4 00	
" "	paid Matthew Annis, for digging hill down, on road between lots Nos. 2 and 3, concession 3rd....	5 00	
" "	paid Owen Donegan, for work on the 1st concession in front lot No. 5 .....	3 00	
" "	paid D. Stephenson, for furnishing two iron bolts for Rouge bridge, on 4th concession, between lots Nos. 4 and 5.....	2 21	
" 18. "	paid Robert Rogerson, for cutting hill down between lots Nos. 8 and 9, concession 4th .....	25 00	
" "	paid Edward Donnelly, for work on 1st concession, front of lots Nos. 5 and 6.....	6 06	
" 20. "	paid James Ormerod, for completing the bridge over Spring Creek, 2nd con., lots Nos. 10 and 11....	13 98	
" 26. "	paid A. Annis, for building bridge over creek on 1st concession, front of lot No. 3.....	22 40	
" "	paid A. Annis, for work done on road on 1st concession, front lot No. 3.....	7 60	
" "	paid A. Annis, for work done on 1st concession road, front lot No. 1.....	3 60	
" 27. "	paid John Stoner, for plank furnished for bridge over Big Rouge in 2nd concession .....	12 00	
" 28. "	paid William Richardson, for plank furnished for culverts in his beat.....	5 00	
Aug. 3. "	paid Ezekiel Richardson, for work done on line between lots Nos. 4 and 5, in the 2nd con....	8 60	
" "	paid C. Richardson, for plank furnished for culverts between lots Nos. 4 and 5, concession 2nd.....	3 00	
			169 35

## WARD No. 3.

Mar. 7.—	By cash paid Wm. A. Fawcett, for work done on Highland Creek hill, front of lot No. 14, concession 1st. ....	1 20	
May 28. "	paid John Donnelly, for work done at Harrington's Bridge, 2nd concession .....	8 00	

## GENERAL EXPENDITURE.

1864.	CR.	\$	c.	\$	c.
June 20.—By cash paid C. Masterman, for plank and labour, on line between lots Nos. 21 and 22, concession D.....		3	07		
" " paid C. Masterman, for building a culvert on 1st con. corner of lot No. 19 .....		4	60		
July 14. " paid David D. Thompson, for hewing timber, building bridge on 4th concession, front lot No. 18....		5	50		
WARD No. 4.					22 37
Mar. 21.—By cash paid Faid F. Scott, for digging out stump on the 2nd concession, front lot No. 22 .....		1	00		
April 27. " paid Hugh Elliott, for repairing bridge, on line between lots Nos. 22 and 23, in 3rd concession.		10	90		
July 11. " paid C. Masterman, for plank and work, on road between lots Nos. 20 and 21, concession D.....		3	08		
" 12. " paid John Milne, for plank furnished for roads in said ward .....		12	45		
" 18. " paid Jas G. Thomson, for work done on road between lots Nos. 22 and 23, in 1st concession.....		68	50		
" 23. " paid Amos Thomson, for work done on 2nd concession line, front of lot No. 23 .....		15	60		
" 26. " paid David Smith, for work on road, between lots Nos. 22 and 23, concession 2nd.....		34	00		
Aug. 18. " paid Hugh McDonald, for work on 3rd concession line, front of lot No. 23 .....		64	00		
WARD No. 5.					209 53
July 11.—By cash paid Michael Conway, for taking out stumps on road between lots Nos. 30 and 31, concession 3rd...		6	00		
" 14. " paid John Milne, for plank furnished for roads in said Ward .....		11	10		
					17 10
Aug. 31. By Balance .....				\$ 728 14	
				1673 58	
				<u>\$2401 72</u>	

*Abstract of Detailed Statement of Township Accounts from  
1st of January to 1st of August, 1864.*

DR.	CASH.	
1864.—To amount of Receipts .....		\$2401 72
		<u>\$2401 72</u>
<hr/>		
1864.	CONTRA.	CR.
By Cash paid on account of General Expenditure .....		\$284 04
" " " Ward No. 1 .....		25 75
" " " Ward No. 2 .....		169 35
" " " Ward No. 3 .....		22 37
" " " Ward No. 4 .....		209 53
" " " Ward No. 5 .....		17 10
" Cash paid over to new Treasurer .....		951 43
Balance to be accounted for by late Treasurer, James Moyle.....		722 15
		<u>\$2401 72</u>

We have examined the foregoing accounts and find the same correct.

(Signed)

WM. SHIRREFS, }  
WM. DICKSON, } Auditors.

February 7th, 1866.

JAMES MOYLE, *in account with the Municipality of Scarboro', from January  
1st to August 31st, 1864.*

## CLERGY RESERVE FUND.

DR. 1864.	CASH INVESTED IN	
Debentures of Trustees of School Section No. 6 .....		\$800 00
Debentures " " " No. 9 .....		600 00
Debentures of City of Toronto .....		3800 00
Mortgage, Edward Wheler, Esq. ....		3300 00
		<u>\$8500 00</u>

## INTEREST ACCOUNT.

1864.	CASH.	
Jan. 7.—To Cash from Bank of Upper Canada, City of Toronto Debentures.....		\$228 00
Feb 22. " from Edward Wheler, Esq., to 4th February, 1864.....		148 00
" 22. " from School Section No. 9.....		64 00
July " from Bank of Upper Canada, City of Toronto Debentures .....		114 00
" " from Trustees of School Section No. 6 .....		16 00
Balance per Statement 31st Dec., 1863 .....		21 01
		<u>\$591 51</u>

## INTEREST ACCOUNT.

1864.	CONTRA.	CR.
By cash paid Trustees School Section No. 1.....		\$29 33
" paid " " No. 2.....		43 33
" paid " " No. 5.....		21 71
" paid " " No. 6.....		43 33
" paid " " No. 7.....		43 33
" paid " " No. 9.....		43 33
" paid " " No. 10.....		43 33
" paid " " Union, or 11.....		14 70
		<u>\$282 39</u>
Balance to be accounted for by late Treasurer .....		309 12
		<u>\$591 51</u>

We have examined the foregoing account and find the same correct, the balance being  
(\$309 12) three hundred and nine dollars and twelve cents.

(Signed) WM. SHIRREFFS, }  
WM. DICKSON, } Auditors.

Feb. 7, 1865.

## ACCOUNTS OF SCARBORO' MUNICIPAL CORPORATION.

J. CRAWFORD, in account with the Municipality of Scarborough,  
from 1st September to 31st December, 1864.

1864.	RECEIPTS.		\$ c.	\$ c.
	Dr.			
Sept. 7.	To cash from J. Moyle, late Treasurer.....			951 43
21.	To " Archd. Forfar, security of the late Treasurer, on account of defalcation.....	200 00		
Nov. 7.	To " Archd. Forfar and Wm. Forfar, securities of late Treasurer, on account.....	134 00		
Dec. 27.	To " Archd. Forfar and Wm. Forfar, securities of late Treasurer, on account.....	92 30		
Dec. 27.	To " Archd. Forfar and Wm. Forfar, securities of late Treasurer, on account.....	10 00		
				436 39
Oct. 29.	To " D. Ferguson, collector, taxes.....	200 00		
Nov. 12.	To " " " ".....	200 00		
Nov. 28.	To " " " ".....	740 00		
Dec. 12.	To " " " ".....	1135 00		
Dec. 27.	To " " " ".....	193 00		
Dec. 30.	To " " " ".....	1000 91		
Dec. 31.	To " " " ".....	353 90		
				3852 81
				<u>\$5,240 63</u>

1864.	GENERAL EXPENDITURE.		No. of Voucher.
	Ca.		
Sept. 7.	By cash paid F. F. Passmore, P. L. S., for copy of report of survey.....	1	\$8 00
" 8.	" paid W. C. Chewett & Co., for stationery to Council.....	2	2 68
" 10.	" paid D. Reesor, balance of account for printing.....	4	34 00
" 14.	" paid W. C. Chewett & Co., for stationery to Council.....	5	3 80
" 22.	" paid F. F. Passmore, P. L. S., for survey of township, in full.....	8	920 00
Oct. 8.	" paid Mrs. Clark, for the relief of Wm. Clark, up to August 10th.....	10	9 00
" 17.	" paid Wm. Shirrefs, for posting books of late Treasurer.....	20	10 00
Nov. 7.	" paid James Moyle, salary as late Clerk and Treasurer.....	33	134 00
" 28.	" paid Mrs. Clark, for the relief of Wm. Clark, up to 28th September.....	44	7 00
Dec. 27.	" paid Mrs. Clark, in aid of Wm. Clark, to November, 22nd.....	45	8 00
"	" paid Thomas Brown, Treasurer S. S. No. 10, non-resident Local School Tax.....	62	12 42
"	" paid John Crawford, Treasurer, postage and contingencies for municipality to date.....	64	7 50
"	" paid James A. Thomson, salary as License Inspector 1864.....	65	15 00
"	" paid James A. Thomson, salary as an Auditor, 1864.....	66	4 00
"	" paid Christopher Thomson salary as Auditor, 1864.....	67	4 00
"	" paid John Muir, fee as Returning Officer at September election, Ward No. 3.....	68	4 00
"	" paid J. P. Wheler, fee as selector of jurors.....	75	6 00
"	" paid J. Crawford, fee as selector of jurors.....	76	6 00
" 30.	" paid John Crawford, salary as Clerk and Treasurer to 31st December.....	77	80 00
"	" paid W. C. Chewett & Co., for stationery to Council.....	80	7 22
"	" paid Rose Ann Purdy, for board and clothing for foundling child to October 26th, as per order.....	82	17 75
" 31.	" paid Simeon Reesor, Treasurer School Section No. 14, non-resident school-tax, 1864.....	86	6 23
"	" paid John Crawford, Treasurer School Section No. 3, non-resident school-tax, 1864.....	89	3 53
"	" paid D. Ferguson, salary as Collector.....	92	80 00
"	" paid D. Ferguson, fee as selector of jurors.....	91	6 90
"	" paid Archibald and Wm. Forfar, in lieu of an altered \$10, bill, taken by the late Treasurer.....	93	10 00
			<u>\$1406 13</u>

## GENERAL EXPENDITURE.

1864.		MEMBERS' WAGES.		No. of	
		CR.		Voucher.	
Dec. 27.	By cash	paid J. P. Wheler, Councillor	Ward No. 4.....	69	\$21 00
"	"	paid Thomas Brown,	" No. 1.....	70	21 00
"	"	paid William Clark,	" No. 5.....	71	21 00
"	"	paid D. Stephenson,	" No. 2.....	72	19 50
"	"	paid John Crawford,	" No. 3.....	73	16 50
"	"	paid James Purvis,	" No. 3.....	74	4 50
					<u>\$103 50</u>

## WARD No. 1.

Sept. 9.	By cash	paid D. Stephenson for plank for a bridge on old Kingston			
		Road, con. B, lot 28.....	3		\$3 00
Oct. 17.	"	paid Henry Hough for a turnpike shovel for beat No. 67...	13		6 50
"	"	paid Joseph Bowden, for half cost of turnpike shovel for			
		beat No. 42.....	15		3 25
"	"	paid Lewis Davis, for repairing bridge on old Kingston			
		Road.....	14		5 50
"	"	paid J. P. Wheler, for plank for bridges in Ward No. 1.....	18		4 20
Nov. 28.	"	paid Geo. Empringham, for work done on con. road C,			
		front of lot No. 33.....	40		12 00
Dec. 7.	"	paid John Chapman, for plank furnished for said Ward.....	50		2 98
" 20.	"	paid W. A. Milne, for plank for culverts in con. D, front			
		of lots No. 17 and 18.....	55		4 90
" 27.	"	paid J. P. Wheler, for plank furnished for bridges in said			
		Ward.....	60		2 84
					<u>\$45 15</u>

## WARD No. 2.

Oct. 4.	By cash	paid Johnston Duncan, for work done on road between			
		lots Nos. 10 and 11, con. 3.....	9		30 00
" 8.	"	paid William Chapman, for building a bridge on 2nd con.			
		road, front lot No. 3, also for plank and grading on			
		2nd con., front of lots Nos. 3 and 4.....	11		15 00
" 13.	"	paid John Coxworth, for turnpike shovel in beat No. 9...	12		8 00
" 31.	"	paid Simeon Reesor, for getting printed notices of job to let,			
		on Townline, and for plank for Townline, rear lot			
		No. 8.....	26		3 56
"	"	paid Geo. Cook, for repairing bridge on east Rouge, between			
		lots Nos. 4 and 5, concession 4th.....	27		38 00
"	"	paid Geo. Cook, for repairing bridge on north town-line,			
		over Spring Creek.....	29		8 00
"	"	paid Simeon Reesor, for plank for the bridge over Rouge,			
		on road between lots Nos. 4 and 5, concession 4th.....	28		7 95
Nov. 16.	"	paid W. W. Stotts, for work done on the 2nd concession			
		road, front lot No. 3.....	35		5 00
" 28.	"	paid Joseph Bowden, for turnpike shovel for beat No. 22...	38		4 50
Dec. 30.	"	paid W. A. Milne, for plank for culverts on the 4th con.,			
		front of lots Nos. 10 and 11.....	79		5 00
"	"	paid Robert Rodgerson, embanking on the north town-line,			
		rear of lot No. 7.....	81		110 00
" 31.	"	paid James Carter, for work at bridge, on road between			
		lots Nos. 4 and 5, concession 4th.....	84		8 32
					<u>\$243 33</u>

## WARD No. 3.

Oct. 17.	By cash	paid Joseph Bowden, for half cost of turnpike shovel for			
		beat No. 42.....	19		3 25
" 31.	"	paid James Miller, for work at bridge on 4th concession			
		road, front of lot No. 18.....	30		16 00
"	"	paid Watson Wride, for timber for bridge on the 4th con.,			
		front of lot No. 18.....	31		4 90
"	"	paid W. Wride, for work at bridge on 4th concession, front			
		of lots No. 18.....	32		2 50
Nov. 7.	"	paid R. Collins, for work done on the Markham road and			
		4th concession. 1863.....	34		1 00
" 16.	"	paid J. Anderson, for work done on the 4th concession			
		road, front of lot No. 14.....	36		20 00
Nov. 28.	"	paid D. Stephenson, for plank to repair the bridge on			
		Markham road, concession D.....	37		2 08
"	"	paid D. Stephenson, for plank for bridge over Highland			
		Creek, front of lot No. 13, 4th concession.....	39		2 70

WARD No. 3.

WARD No. 4.

WARD No. 5.

COUNTY TAX.LOCAL SCHOOL TAXES.

Balance on hand 31st December.....

*Abstract of detailed Statement of Receipts and Disbursements  
of the Corporation of Scarborough, from 1st September to 31st  
December, 1864.*

## CASH.

Dr.		
1864	—To amount receipts .....	\$5240 63
		<u>\$5240 63</u>

## CONTRA.

		Cr.
1864.	—By cash on account general expenditure.....	\$1406 13
"	" " members wages.....	109 50
"	" " Ward No. 1.....	45 15
"	" " " No. 2.....	243 33
"	" " " No. 3.....	156 47
"	" " " No. 4.....	101 12½
"	" " " No. 5.....	106 60
"	" " County Tax.....	1800 00
"	" " Local School Taxes.....	599 72
		<u>\$4562 09½</u>
	Balance on hand 31st December.....	678 53½
		<u>\$5240 63</u>

JOHN CRAWFORD, *Treasurer.*

We have examined the forgoing accounts, and find the same correct.

(Signed)

WM. SHIRREFS, }  
WM. DICKSON, } *Auditors.*

March 3rd, 1865.

*Liabilities and Assets of the Corporation of Scarborough' for the year  
ending 31st December, 1864.*

## Dr.

To amount due	County Treasurer on account of County Taxes for 1864.....	\$ 450 19
Do.	do. Ward No. 1, balance appropriation.....	106 30
Do.	do. do. No. 2, do. do. ....	4 63
Do.	do. do. No. 3, do. do. ....	49 78
Do.	do. do. No. 4, do. do. ....	143 41½
Do.	do. do. No. 5, do. do. ....	49 73
Do.	do. F. F. Passmore, P. L. S., as per resolution of Council, Nov. 28th...	16 20
Do.	do. H. Rowsell, as per account .....	1 80
Do.	do. J. Helliwell, solicitor, as per account.....	12 50
Do.	do. Gazette office .....	5 00
Do.	do. Wm. Clark, in aid, to 31st December.....	6 00
		<u>845 54½</u>
	Balance, Assets in excess of Liabilities.....	436 31½
		<u>\$1281 86</u>

## Cr.

By balance on hand as per account 31st December, 1864.....	\$ 678 53
Do. from securities of late Treasurer.....	285 76
Do. due from Township Collector, 1864.....	317 56
	<u>\$1281 86</u>

JOHN CRAWFORD, *Treasurer.*

We have examined the above account, and find the same correct.

(Signed)

WM. SHIRREFS, }  
WM. DICKSON, } *Auditors.*

March 3rd, 1865.

## CLERGY RESERVE FUND.

## RECEIPTS.

1864.	Dr.	
Dec. 30.	To cash from Municipalities fund .....	\$336 42
		<u>\$336 42</u>

## DISBURSEMENTS.

1864.	Cr.	
Dec. 30.	By cash paid Express Company for remitting \$336.42 from Quebec to Toronto .....	\$ 2 86
Do.	By balance, cash in hand 31st December .....	333 56
		<u>\$336 42</u>

*Account shewing the different Investments, and amount Uninvested of Clergy Reserve Fund, on the 31st of Dec. 1864.*

Dr.		
To amount in Mortgage.....		\$3300 00
Do. City of Toronto Debentures .....		3800 00
Do. School Section No. 6, Debentures .....		800 00
Do. do. No. 9, do. ....		600 00
To cash uninvested December 31st, 1864 .....		333 56
Do. due from late Treasurer.....		162 07
		<u>\$8995 63</u>

1864.	Cr.	
Dec. 31.	By balance per contra .....	\$8995 63
		<u>\$8995 63</u>

JOHN CRAWFORD, *Treasurer.*

We have examined this account, and find the total amount of cash and securities to be \$8833.56, (eight thousand eight hundred and thirty-three dollars and fifty-six cents). The balance \$162 07 (one hundred and sixty-two dollars and seven cents) appears to be against the late Treasurer.

(Signed) WM. SHIRREES, } *Auditors.*  
WM. DICKSON, }

February 7th, 1865.

*Interest account—Invested Clergy Reserve Fund for School  
Purposes:*

RECEIPTS.

1864.		Dr	
Nov. 28.	—To Cash from Alex. Secor, Treasurer School Section No. 6, interest on \$400 debenture, to 18th August, 1864.....		\$32 00
Dec. 30.	—To Cash from E. Wheeler, Esq., interest on Mortgage to 4th August, 1864, at 8 per cent.....		132 00
Dec. 30.	—To Cash from Archd. and William Forfar, securities of late Treasurer...		307 61
			\$471 61

DISBURSEMENTS.

1864.		Cr.		
Dec. 26.	—By cash paid Jacob Brumwell, Treasurer School Section No. 7.....			\$13 90
Do. 28.	do. paid James Dickson, do. do. No. 8.....			58 23
Do. 31.	do. paid Thomas Brown, do. do. No. 10.....			13 90
Do.	do. paid William Clark, do. do. No. 1.....			42 46
Do.	do. paid Simeon Reesor, do. do. No. 4.....			71 79
Do.	do. paid John Crawford. do. do. No. 3.....			71 79
Do.	do. paid Alexander Secor, do. do. No. 6.....			28 46
Do.	do. paid George Chester, do. do. No. 9.....			28 46
Do.	do. paid Thomas Whiteside, do. do. No. 5.....			50 08
				\$379 07
Dec. 31.	—By balance due School Section, No. 2.....			\$28 46
Do.	do. do. do. do. No. 7.....			14 56
Do.	do. do. do. do. No. 8.....			13 56
Do.	do. do. do. do. No. 10.....			14 56
Do.	do. do. do. do. No. 11, or Union.....			21 40
				92 54
				\$471 61

JOHN CRAWFORD, *Treasurer.*

We have examined this account and find the same correct. Balance on hand on 31st December, 1864, \$92 54, (ninety-two dollars and fifty-four cents.)

(Signed) WM. SHIRREFS, }  
WM. DICKSON, } *Auditors.*

February 7th, 1865.

## AUDITORS' REPORT.

*To the Hon. the Town Reeve and Municipal Council of the  
Township of Scarborough.*

We have carefully examined the Township Accounts for the year 1864, and report as follows:

We have examined and carefully compared with the vouchers the accounts from 1st September, 1864, to 31st December in the same year, and find them correct in every respect.

Amount of cash received from late Treasurer, as per statement, was.....	\$951 43
Cash received from the securities of the late Treasurer.....	436 38
Cash from Collector .....	3,852 82
	<u>\$5,240 63</u>
The general expenditure for Township purposes during the same period, was.....	\$1,406 13
Salaries to members .....	103 50
For Wards 1 to 5.....	652 75
Amount paid County Treasurer.....	1,800 00
“ “ Local School Taxes.....	599 72
Balance in hand 31st December, 1864.....	678 53
	<u>5,240 63</u>

The cash balance of six hundred and seventy-eight dollars and fifty-three cents, then in the Treasurer's hands, we counted over and found correct.

### Ward Accounts.

#### WARD No. 1.

Balance 31st August, 1864.....		\$151 45
Cash paid towards .....	45 15	
Balance due.....	106 30	
		<u>151 45</u>

#### WARD No. 2

Balance 31st August, 1864 .....	127 96	
Subsequent grants .....	120 00	
		247 96
Cash paid towards.....	243 33	
Balance due.....	4 63	
		<u>247 96</u>

#### WARD No. 3.

Balance 31st August, 1864. ....	184 17	
Subsequent grants.....	22 08	
		206 25
Cash paid towards.....	156 47	
Balance due....	49 78	
		<u>206 25</u>

## WARD No. 4.

Balance 31st August, 1864.....		244 61
Cash paid towards.....	101 19	
Balance due ....	143 42	
		<u>244 61</u>

## WARD No. 5.

Balance 31st August, 1864.....		\$156 33
Cash paid towards.....	\$ 106 60	
Balance due.....	49 73	
		<u>156 33</u>

## Clergy Reserve Fund.—Debenture Account.

Balance in hands of Treasurer, 31st Dec, 1863.....		\$162 07
Debenture of School Section No. 9, paid.....	\$ 200 00	
Do. do. No. 6, paid.....	200 00	
		<u>400 00</u>
		\$562 07

Cash paid debenture No. 2, \$400, due 13th Jan., 1865.....	\$ 400 00	
Balance due by late Treasurer 30th August, 1864...	162 07	
		<u>562 07</u>

Cash from municipalities fund, 30th Dec., 1864...		\$336 42
Cash paid Express Company from Quebec.....	\$ 2 86	
Balance in hand, exclusive of the amount due by late Treasurer.....	333 56	
		<u>336 42</u>

The securities on 31st December, 1864, are as follows:

On Mortgage .....	\$3300 00	
“ Debentures, City of Toronto.....	3800 00	
“ School Sections 6 and 9.....	1400 00	
		<u>\$8,500 00</u>

We examined the securities, and were shewn the bank deposit receipt for three hundred and thirty-three dollars and fifty-six cents.

## Clergy Reserve Fund.—Interest Account.

1864.

1st January to 31st August.		
Balance on hand .....	\$ 19 50	
Interest on Securities .....	570 50	
		<u>590 00</u>

1864.

1st January to 31st August.		
Cash paid School Sections 1 to 11, as per statement.....	\$ 282 39	
Balance due to School Sections.....	286 61	
Amount unappropriated.....	21 00	
		<u>590 90</u>

1864.	
1st September to 31st December.	
Interest from School Section No. 6.....	\$ 32 00
Interest on mortgage.....	132 00
Cash from A. and W. Forfar, securities for late Treasurer, for the above unappropriated balance.....	21 00
Balance due on 1st September, 1864, to School Sections 1 to 11, per statement.....	286 61
	<hr/>
	\$471 61
1864.	
1st September, 1864, to 31st December, 1864.	
Cash paid School Sections, per statement.....	\$379 07
Balance in Treasurer's hands.....	92 54
	<hr/>
	\$471 61

The balance of cash in this account we also counted over and found correct.

### Assets and Liabilities of the Township.

We find the Township Assets and Liabilities according to the following abstract:—

Cash in hands of Treasurer, 31st December, 1864.....	\$678 53
Amount due by securities of the late Treasurer.....	285 76
Amount due by Collector.....	317 56
	<hr/>
	\$1281 85
Due to County Treasurer.....	\$450 19
“ F. F. Pasmore.....	16 20
“ Wards 1 to 5.....	353 85
“ H. Rowsell.....	1 80
“ W. Helliwell, Solicitor.....	12 50
“ Gazette Office.....	5 00
“ William Clark, for relief.....	6 00
Balance in excess of liability.....	436 31
	<hr/>
	\$1281 85

On the whole, we find the whole of the accounts very correctly and systematically kept by the new Treasurer. After the most searching examination we have found no error whatsoever, and his duties have been heavy and onerous, in consequence of the total want of method in keeping the accounts, and the consequent confusion in which the whole matter was placed, before coming into his hands.

All which is respectfully submitted.

WM. SHIRREFS, }  
WM. DICKSON, } *Auditors.*

Scarborough, 3rd March, 1865.

The statements of account made up by Mr. William Shirrefs, from 1st Jan. to 31st August, 1864, I have carefully examined and scrutinized and find the same correct, with the exception of a trifling error of sixty-three cents, made in transcribing.

WM. DICKSON, *Auditor.*

Scarboro', 3rd March, 1865.