

## The County Councils Act, 1896.

Notwithstanding anything in the Consolidated Municipal Act, 1892, or any other act, contained, and subject to the provisions of this act, county councils shall, from and after the expiration of the terms of office of the county councillors holding office at the time of the passing hereof, be composed as follows:

(a) If the population of the county is 25,000 or less, of not less than eight members nor more than ten members.

(b) If the population is more than 25,000 but less than 40,000, of not less than ten members nor more than twelve members.

(c) If the population is 40,000 or more but less than 60,000, of not less than twelve members nor more than fourteen members.

(d) If the population is 60,000 or more, of not less than sixteen members nor more than eighteen members.

For the purposes of this act, each county shall be divided into districts or divisions, which shall be known as "county council divisions," as follows:

(a) If the population of the county is 25,000 or less, into not less than four and not more than five divisions.

(b) If the population is more than 25,000 but less than 40,000, into not less than five and not more than six divisions.

(c) If the population is 40,000 or more, but less than 60,000, into not less than six nor more than seven divisions.

(d) And if the population is 60,000 or more, into not less than eight nor more than nine divisions.

Cities, towns and other municipalities separated from the county shall not be included in the computation of the population, nor shall the population of Indian reserves, which are not organized as municipalities under the Consolidated Municipal Act, 1892.

Each such division shall be designated and distinguished by its number (as, for example, the "First County Council Division"), and shall be represented in the county council by two members, who shall hold office for the term of two years, and who shall be residents of the division for which they are councillors.

The election of county councillors shall be held in alternate years and at the time fixed by law for the annual municipal elections for members of the councils of the local municipalities, and the first election held under this act shall be so held at the next annual municipal elections which shall be held after this act comes into force. No member of the council of a local municipality nor any clerk, treasurer, assessor or collector thereof shall be eligible for nomination or election as a county councillor. But a member of any municipal council for the year 1896 shall not be ineligible for nomination or election by reason only of his being a member of such council for the year 1896.

## NOMINATIONS.

The warden of every county shall, on or before the 15th day of November, 1896, and, in every succeeding year before an election for county councillors is to be held, the county council shall appoint for each county council division a nominating officer, who shall act as such until his successor is appointed. Such person may be called the "nominating officer," and his duties shall be:

(a) In every year before an election of county councillors is to be held, or before a vacancy is to be filled to fix a place within the division for holding such nomination, between the hours of one and two o'clock in the afternoon, and to give notice of such nomination under his hand, and of the election, by advertisement in two weekly newspapers in the county, to be published for at least two successive weeks prior to such nomination day, or by giving sufficient public notice thereof by printed posters;

(b) To attend at the day and place appointed for such nomination and subject to the provisions and for the purposes of this act, to perform the duties as far as made applicable by

this act, which, by law, the clerk of a local municipality is required to perform as returning officer at the nomination for an election in a local municipality. In case at the time appointed for holding the nomination, the nominating officer has died, or does not attend to hold such nomination, the electors present for the purpose of holding a nomination may choose from amongst themselves a nominating officer, who shall have all the powers and perform all the duties of such nominating officer.

In the event of the warden failing to make such appointments within twenty-four hours after the time specified, the duty of making such appointments shall devolve upon the clerk of the council.

Such nomination day shall be that Monday in the week which precedes the week before polling day.

If at the day and hour named in the preceding paragraph there are not more candidates nominated for any county council division than are required to be elected for such division, the nominating officer shall thereupon declare such candidate or candidates as are duly nominated, elected, and shall thereupon prepare and mail to the county clerk, by registered letter with postage prepaid, upon the same day a certificate under his hand of such election by acclamation. But if a greater number of candidates are nominated than are required to be elected in any county council division the nominating officer shall immediately after the lapse of the time in which candidates, under the Consolidated Municipal Act, 1892, may withdraw from nomination, certify the facts, with the names and addresses of those remaining in nomination, to the county clerk.

Any person nominated may resign either at the nomination meeting or during the following day. If such resignation is after the meeting it shall be signed and witnessed in the manner prescribed for resignations under the Consolidated Municipal Act, and delivered to the nominating officer.

If by reason of any such resignation or resignations the number of candidates remaining does not exceed that of the offices to be filled, the nominating officers shall certify such candidates as duly elected.

## ELECTION.

It shall be the duty of the clerk of the county council to cause a ballot to be printed for the election of a member or members of the council, and he shall immediately after the receipt of the certificates from the nominating officer, and before polling day, forward a sufficient number of ballots and other necessary election papers to the clerk of each of the local municipalities within each county council division where elections for county councillors are to be held, and such clerk of the municipality shall cause them to be supplied to the persons appointed to act as deputy returning officers at the said election. If all the members of the council of any local municipality shall be elected by acclamation, then the clerk of such municipality shall take all proceedings necessary for the election of a member or members of the county council in the same manner (*mutatis mutandis*) as is provided by the Consolidated Municipal Act, 1892, for the election of members of the council of the municipality.

In preparing the ballots or any notices or other papers which may be necessary, the forms appended to or otherwise provided for by the Consolidated Municipal Act, 1892, shall be used as far as applicable, and where not wholly applicable, shall be adapted by the clerk of the county council or the clerks of the local municipalities, or other officer, as the case may be, to the election of county councillors, and the words "county councillor" shall be printed on every such ballot.

The council of any local municipality in which the election of any member or members of the county council is to be held, and the clerk of such municipality and any other officer thereof shall, in case of the election of all the members of the council of the local municipality

by acclamation, nevertheless, so as to enable the election of county councillors to be held, do all things and take all proceedings which would have been necessary and as by law is provided; that is to say, provide polling places, furnish the necessary and proper voters' lists and poll books, and appoint deputy returning officers and other necessary officers, and do any and all other matters and things which would have been necessary and proper to be done had the members of the council of such local municipality not been elected by acclamation, and the returning officer and deputy returning officer shall have all the powers, rights and authorities respecting the election of county councillors, which they now have respecting the election for the members of the local municipal councils, and shall perform all the like or similar duties which they are now required to perform under the Consolidated Municipal Act, 1892, where an election is being held for the members of the council of a local municipality.

At the election of a member or members of a county council the ballots shall be placed in the same ballot box as the ballots for the members of the council of a local municipality is where an election in such municipality is being held, and shall be counted in the same manner as such last named ballots, and they shall thereafter be placed in a separate envelope or package and otherwise dealt with in the same manner as ballots for the election of members of the council of a local municipality, and where an election for such local municipality is not being held the proceedings thereof and thereafter (except where the same are varied hereby) shall be as nearly as possible the same as in the case of an election for a local municipality.

## VOTERS AND VOTES.

The persons qualified to vote for county councillors shall be the persons qualified to vote at the election of members of the council of the local municipality and all local municipal clerks, and no others; and each person so qualified shall be entitled to as many votes as there are members of the county council to be elected in his county council division, and he may, at his option, when there are two county councillors to be elected, give both of his votes to one candidate, in which case he shall place two crosses within the division of the ballot wherein is the name of such candidate. But where any person being a resident voter is on the voters' list for two or more municipalities within any county council division, he shall vote for county councillors in that municipality only in which he resides, and only at the polling place of the polling sub-division in which he resides, if he is entitled to vote at such polling place. In case a voter is not resident within any division, he shall vote only once within any division, whether his name is on the voters' lists of said division in more than one polling sub-division or not.

## QUALIFICATION OF COUNCILLORS.

Every member of a county council shall possess the same property qualification as the reeve of a town is required to have, and every member of a county council before entering on his duties shall make and subscribe the declaration of office and qualification (*mutatis mutandis*) set out in section 270 of the Consolidated Municipal Act, 1892.

The clerk of each municipality shall, on the day following the return to him of the ballots, papers and statements, prepare and mail to the county clerk by registered letter with the postage prepaid, a certificate under his hand of the result of the voting in his municipality for the candidates for the county council, and such certificate shall be according to the form given in the schedule hereto.

The county clerk shall, for the purposes of this act, be returning officer, and as such shall perform the duties required of him by this act, and on receipt of the certificates from the clerks of the municipalities comprising a county council division the said county clerk shall cast up the number of votes for each candidate from