

# The Municipal World

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In the interests of every department of the Municipal Institutions of Ontario.

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THE MUNICIPAL WORLD,

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ST. THOMAS, APRIL 1, 1901.

The council of the township of South Grimsby has passed a by-law commuting statute labor, and has also purchased a road-grader.

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Mr. John Machon, clerk of the township of Charlotteville, Norfolk county, Ont., died at his residence, Vittoria, on March 23rd, having held the position of township clerk for more than 40 years.

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His Honor, Judge Hardy, judge of the county of Brant, recently delivered his judgment unseating Alderman Bullock, of Brantford, for the reasons that (1) he is a monthly tenant, and (2) that his partner, a Mr. Eddy, as a member of the assessment board, pays the moneys received for his services as such, into the firm's coffers. Mayor Wood was also unseated on the ground that an agreement between his firm and the corporation indemnifying the city against loss through the construction of a switch into Mr. Wood's mill, made his election illegal.

### An Election Complication.

His Honor, Judge McCurry, judge of the District of Parry Sound, recently delivered judgment unseating the members of the council of the township of Chapman, elected in January last. The action was brought, at the instance of an elector, to declare the election of the reeve and two of the councillors illegal. It appears that on nomination day, two candidates were nominated for the reeveship and more candidates for councillor than were required to be elected. After the close of the nomination meeting the returning officer, on comparing the nomination papers with the requirements of the statutes, found that the full names of

several of the candidates were not written on the nomination papers, initials being used instead, and on this ground disallowed them, and declared one of the candidates for the reeveship and three of the candidates for councillor elected by acclamation. When proceedings were instituted to unseat the men declared elected, one of them disclaimed the seat and the others contested the proceedings with the above result. Matters were further complicated by the fact that, after the legal proceedings were commenced, another election was held to fill the vacant seat of the fourth councillor and also the vacancy made by the disclaimer of one of the candidates declared elected by acclamation. At this election the candidates were elected by acclamation.

We have repeatedly given it as our opinion, in these columns, that returning-officers should not take upon themselves to pass judgment on the validity, or otherwise, of papers and documents filed with them. The above is a good example of what the consequences, of their so doing, are likely to be.

An appeal was taken in the above case, and heard recently before a single judge in Toronto. The judgment of His Honor Judge McCurry was confirmed.

### COMMUNICATIONS.

CAIRO, MARCH 9, 1901.

To the Editor of the Municipal World :

DEAR SIR,—Your answer to question 150 in last issue re appointment of township engineer is proof that Justice Meredith did wrong to set the Turtle award aside re Turtle vs. Euphemia. It was contended and decided that Angus Smith Ridgetown, who made the award was not the township engineer, on the ground that the appointment of his predecessor had not been revoked by by-law, etc. But in looking over the township records since the trial, it is found that, according to the law as laid down by this justice himself, the only legally appointed engineer had died a short time before the said Angus Smith was appointed and of course, just as you say, councils do not require to revoke deceased engineer's appointment. Township solicitor urged an appeal at the time and the following is a quotation from a recent letter to the Euphemia Council. "The judgment is one that is almost unanimously regarded amongst lawyers, who have had occasion to consider it, a most extraordinary one."

By the way, this same award was previously sustained by County Judge McKenzie and it is also contended that it was he who had the judicial right to decide the case. Our council in 1897 successfully refused to pay a certain judge because he was not "Judge" as named in the Act.

SUBSCRIBER.

MARCH, 7 1901.

To the Editor of the Municipal World :

DEAR SIRS,—As a constant reader of THE MUNICIPAL WORLD since the paper started, I must say with pleasure that your paper gives more and better information to the general public than all our law books together, and is the best advisor for all municipal councillors. I had long ago in my mind that we should have a paper for Ontario, where all cattle and horses lost or found, could be advertised; a paper that has a circulation over the whole province, supported either by government or municipality. Farmers advertise in local paper but the same paper has no circulation in adjoining township, and the consequence is, that he cannot obtain his goods. If every man, who lost or found cattle or horses, would notify the clerk in his municipality and the said clerk would insert in MUNICIPAL WORLD, a man could get his horse or cattle in short time, with less expense. I am sure it would give general satisfaction in time. I was elected councillor for my township in 1865 and reeve the next year, which I held undisturbed until the law was changed in 1898, and I am county councillor since for the sixth division of my county. I was elected warden in 1876, 1889 and am warden for my county for the present year.

I would like to know how many more could show the same record.

I am yours truly,

WARDEN.

DISTRICT OF MUSKOKA,

MARCH 14, 1901.

To the Editor of the Municipal World :

DEAR SIR,—I have read in your valuable publication, the suggestion of W. D. Misener, Esq., clerk of Crowland township, and I am of the opinion that distributing the voters' lists, as Mr. Wisener has suggested, would be a very important change. Not only are the school teachers away on their vacation but so many live outside of this district, and the clerk, having no other post office address of the teachers, except the address for their school, in a great many instances the voter's lists are mailed to that address, and possibly lie at the post office until the teachers resume their school duties after the holidays. The statute compels the lists to be either delivered or otherwise registered, so that the purpose intended by the legislature, in having the lists posted on the school-house, is set aside, especially, if the lists are printed in good time. This matter has occurred to my mind occasionally, as the thirty days, in which to appeal to the judge, may have expired before the lists are posted. It would be well to have some united action of the clerks of Ontario to bring about some important change in the statute.

Yours truly,

D. C., Clerk.