

The Municipal Miscellany.

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Calendar for January, '92.

- 4th Election of members of Municipal Councils not already elected by acclamation.
10. Last day for return by clerk to Provincial Secretary of amount of debt incurred under the Municipal Loan Fund Act. (Section 5, Debenture Registration Act.)
15. Local Treasurer to transmit to Provincial Treasurer a return showing particulars respecting money due by municipality which had been raised on credit of the Municipal Loan Fund. (Section 381, Municipal Act.)
18. First meeting of new local Councils at 11 a. m. (Section 223, Municipal Act.)
26. County Council to meet at 3 p. m. (Section 223 Municipal Act.)
31. Council to transmit to Minister of Agricultural a statement of debts and liabilities. (Section 382, Municipal Act 1887, and Section 10, 1890.)

QUESTION DRAWER.

Two bridges span the Bonnechere River at places where the stream is considerably more than one hundred feet wide, one at the head of Golden Lake, and the other at the foot. The former lies wholly within the township of North Algona, and the latter connects the township of Wilberforce to the Indian Reserve in the township of South Algona. Both were built by Provincial grants, and are outlets of several back townships to the markets and other business of the county town—Pembroke. How far is the county council liable for the maintenance of these bridges?
G. S.

Where a bridge one hundred feet in length or over is wholly within a township the population of which does not exceed four thousand, and which is so situated in respect to rivers and streams as to require a greatly disproportionate expenditure on the part of the township, either owing to the number of its bridges or the cost of same as compared with the other municipalities in the county, then, and only then, such townships will have a claim on the county for assistance to build or maintain any bridges of one hundred feet in length. This provision was made in 1890, and would not affect any expenditure made on such bridges prior to that time. The course laid down appears to be for the township, if it proposes to build a bridge of the length spoken of, is to have proper plans and specifications made, showing the kind of material to be used and estimated cost of same, and this is to be laid before the county council for its approval. If this is not done it would likely make a difference in the amount to be awarded against the county provided the township and county councils did not mutually agree as to the relative proportion of cost to be paid by each. In making a claim on the county for a share or percentage of the cost of construction or maintenance, the local council must be able to satisfy the county council by facts and figures, which should accompany the application, that such

township has a population not exceeding four thousand, and that owing to the number of its bridges to be kept up the expenditure for such purposes is above the average of other municipalities in the county. Where the township and county councils do not agree as to the relative proportions to be paid by each, the law makes provision for the appointment of arbitrators to make an award.

The bridge at the foot of Golden Lake stands in a different position in respect to a claim upon the county, as it crosses a "stream, pond or lake separating two townships in the county." In this case whether the stream be one hundred feet wide or not, so long as it forms a boundary at the place of crossing, would appear to place it under the exclusive jurisdiction of the county, and the county council would have to keep it in repair or build a new bridge when necessary. The county council would have the right to locate and to say what kind of a bridge was to be built. If matters stand as stated by our correspondent our opinion is that the county would have to pay a proportion of the cost of maintaining the bridge at the head of Golden Lake and would also have to pay the whole cost for maintenance of the bridge at the foot of Golden Lake.

Is it necessary for the clerk of the municipality, who is *ex officio* returning officer for the whole municipality, but who is not holding any of the polls as a deputy returning officer to make a declaration of office? If it is necessary for him to do so, can he make such declaration before the reeve instead of a regularly commissioned J. P.? The year for which the reeve has been elected having expired before polling day, would the latter still be authorized to act as a J. P. *ex officio*? Can a poll clerk make his declaration before the deputy returning officer? If a poll clerk and a deputy returning officer make their declarations before the clerk of the municipality, in what capacity should the latter subscribe his name, *i. e.* should it be as municipal clerk or returning officer?
D. A.

In reply to above, we hold that the clerk of the municipality as returning officer must make a declaration of secrecy in all cases, and he may do so either before a J. P. or the head of the council. The reeve is *ex officio* a J. P. during his term of office, which does not expire until his successor is elected and sworn in. It is customary, we believe, for poll clerks to make their declarations of secrecy before the deputy returning officer on the morning of the poll, but the law does not authorize this. The statute requires deputy returning officers and poll clerks to make their declarations before a J. P. or the clerk of the municipality. Scrutineers are allowed to make their declarations before a J. P., the clerk of the municipality, or the deputy returning officer. We think it is immaterial whether the office of "clerk of the municipality" or "returning officer" are the official words to be added to the name of the clerk before whom the declaration is made, but we would prefer to follow the directions laid down in section 170 of the Municipal Act which says such declaration may be made before the clerk of the municipality, and would therefore sign the name in that capacity.