

courts at heart would run counter to the decided opinions of the County judges, or the greater part of them, deliberately expressed in the way we learn the Attorney-General has asked for them.

ELECTION OF WARDENS.

We commence the publication in another place of one of the most important decisions that has been given in our courts with reference to Municipal Elections. We speak of the case of *Reg ex rel. McManus v. Ferguson*.

The facts shew in the first place that great looseness prevails in drawing the certificates required by sec. 67 of the Municipal Institutions Act. There is scarcely any similarity between those prepared by the different township clerks, as given in the report of this case. They do not appear to have thought of taking the obvious and usually safe course of following the wording of the statute, some inserting one requisite and some another. If this is the case in the county of Simcoe, where municipal matters are managed at least as well as in any other county that we know of, it is doubtless the same in other counties. An attentive perusal of the full report which we give of this case, and the careful judgment of the learned judge who heard it, will amply repay the time spent upon its perusal by those who are concerned in such matters. This is specially incumbent on township and county clerks, upon whom devolves the duties respectively of drawing and deciding upon the validity of these certificates.

This brings us to another point, and that is the responsible position of county clerks, as presiding over the meeting of reeves and deputy reeves composing the county council, prior to the election of the warden. Whether or not it is the duty of clerks to examine these certificates before allowing their holders to take their seats and vote—and no opinion is expressed by the learned judge on this point—it certainly is their duty to act in the premises with the greatest care and circumspection, and in doubtful or difficult cases to obtain legal advice before coming to a decision, otherwise they lay themselves open to charges of partiality, whether truly or not matters little as far as their reputation is concerned, and render themselves liable to be charged with the costs incident to the application to set aside the election. But no

order was made in this case, as the clerk had not been called upon to shew cause, and, as was remarked by the Chief Justice, was not therefore in a position to explain what seemed to be inconsistencies in his conduct, but which were very probably capable of explanation. The position of these officers is the more difficult, and their conduct more liable to misinterpretation, as they are, generally the nominees of one party in the council, and are liable to lose their office if they fail to retain the good wishes of that party. This is an evil, not attributable to any particular class or body of men, but necessarily inherent in the elective system that prevails in this country.

This, however, opens up a much wider field for discussion than we can enter into at present. Our object now is merely to draw attention to the case in point, with reference to the future conduct of persons holding the difficult position that we have been speaking of.

STAMPS.

We are curious to learn what the result of the stamp system has been in respect to collections for the fee fund. In some counties we happen to know there was great irregularity in the collection and return of fees. In these counties the sale of stamps will represent, no doubt, a larger amount of fees; while in the counties in which regular collections have been made, there will be probably little alteration. At first there was some little inconvenience and difficulty in working the stamp system; but from every quarter we learn that now things go on smoothly. The clerks, however, still complain, and with justice, we think, that although they are obliged to keep constantly on hand a supply of stamps they are allowed very small advantage on large purchases from the county attorneys. This ought not to be so, for these officers have a standing credit as high as \$600, in some cases, besides the uniform allowance of five per cent., and can well afford to make an allowance when stamps are purchased in quantity. In connection with this subject we would mention that some enquiries have been made of us upon which we would be glad of information from clerks, namely, the cost of stamp obliterators, with moveable type for months and date. Will some gentleman who has procured them give us the necessary information, and where they are to be had, material, &c.?