

# The Municipal Miscellany.

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*The Municipal Miscellany, devoted to the dissemination of useful information relating to Municipal and other local Institutions published monthly, at \$1 per annum; six copies for \$5. Address all communications to G. E. NEILSON, publisher Municipal Miscellany, Arnprior, Ont.*

## Calendar for October, '91.

1. Last day for returning assessment roll to clerk in cities, towns and villages where assessment taken between 1st July and 30th October.
- Last day for delivery by clerks of municipality to collectors of collector's roll, unless some other day be named by by-law of the municipality.
- Last day for notice of trustees of city, town, village or township boards to municipal clerk, requiring Public School trustee elections to be held at the same time and in the same manner as municipal elections.
30. Last day for passing by-laws for holding first election in junior townships after separation.

## QUESTION DRAWER.

In your March number you state that it is not compulsory to appoint municipal clerks deputy returning officers at local elections. If you read section 61 of the Election Act you will see differently.—R. A., Cornwall Centre.

R. A. is right. We were misled by reading section 58 only of the Ontario Election Act, which says the returning officer shall "appoint some suitable person to be deputy returning officer for every polling sub-division in which a polling place is to be opened and kept." This did not say that the township clerk must necessarily be appointed, and knowing that the Dominion Election Act did not require the appointment of township clerks as deputy returning officers, we too hastily concluded that both the Provincial and Dominion Acts were the same in this respect. We find, however, by a reference to section 61 of the Ontario Election Act that in townships divided into polling sub-divisions "the township clerk shall be appointed by the returning officer for the sub-division in which the Town Hall is situate," or if there be no Town Hall in the township, then for the sub-division in which the council for that year held its first meeting. Thus it would appear that township clerks may be said to be *ex officio* deputy returning officers for provincial elections, and in case of the absence, sickness or death of the township clerk, the assessor or collector shall be appointed deputy returning officer. It will be seen that sections 58 and 61 of the Election Act do not quite agree. Section 58 gives the returning officer full control of the appointments, whereas section 61 curtails his selection in so far as at least as one of the appointments in each township is concerned. In some of the newer townships not divided into polling sub-divisions, it is doubtful under the wording of section 61 if the clerk must necessarily be appointed a deputy returning officer. It is clear that the law contemplates the appointment of the clerk in any event, and we think a returning officer who would ignore the clerk in his appointments without good reasons would be unnecessarily providing grounds for contesting the election.

I notice a change in regard to equalization of value of union schools which perhaps had escaped the notice of some of our clerks. As I read the statute, the equalization as now made every third year is to be filed with the secretary of the union school board; not with the clerk unless there has been a disagreement between the assessors and an arbitration held, and the result of the finding of the arbitrators is to be filed with the clerks.—H. J. L., Cambray.

The above is a change that escaped our notice in referring to the new School Act, and we are pleased that attention has been called to it.

I should be much obliged if you would kindly give your opinion on the following matter in your next issue of THE MUNICIPAL MISCELLANY. I am clerk for two municipalities, viz., a township and an incorporated village, the latter being wholly contained within the former. The township municipality was organized under cap. 185 R.S.O. (1). Can the township council legally designate by by-law some place within said village as the place where the nomination and election (if a poll is demanded) is to be held? (2) Would sec. 111, cap. 184, R.S.O., apply to said township municipality, and if so could the provisions of this section be construed to apply to the polling as well as to the nomination? (3) If a poll be demanded in the case of both the village and township can I legally act as returning officer for both and hold both elections at the same time and place? I imagine there must be many clerks similarly situated to whom this matter will be one of interest. Your paper so far has been replete with valuable information, and I read it with much interest.—E. B., Burk's Falls.

In answer to above, we are of opinion that it would be competent for the township referred to to pass a by-law as provided by section 111 of the Municipal Act to hold a meeting for the nomination of the reeve and councillors within the adjoining village. But we would not advise such a course unless it could be clearly shown that doing so was for the greater convenience of a majority of the ratepayers. The law does not contemplate holding a nomination outside of the municipality in order to suit the convenience of the council or of the returning officer. The whole tenor of the law as to nominations and polling places is so decidedly explicit in favor of holding them within the municipality to which they relate, as shown by sections 95, 96, 107, 109, 110 of the Municipal Act, and by 42 and 43 of the Municipal Institutions Act of Algoma, etc., that the exception provided by section 111 can have no other construction put upon it than that the interest of the ratepayers must be best served by holding the nomination in an adjoining city, town or village, otherwise it should not be done. Nor does this exception give power to hold polling places outside of the municipality. The fact as stated by our correspondent that the village is situated wholly within the township makes no actual difference, except as to deciding the question of convenience. For all municipal purposes the village is as separate and distinct as if it lay in another adjoining township. If it is necessary that the same person act as returning officer for both village and