

the coveted dignity of being "townsmen." When applying to become a town it frequently happens that a difficulty arises in the selection of a suitable name for the new burg, a matter in which there is less likelihood of unanimity among the villagers than in the question of becoming "townsmen." We have heard of places where the diversity of tastes in the matter of a name for the new town was so great and the excitement ran so high that it could not be decided in three months or even in three years, and the application for the coveted proclamation had to be deferred. There is one very important matter to be considered in discussing the advisability of the change and that is the property qualification for municipal voters. In villages those assessed for \$200 real property are qualified municipal voters, whereas in towns it requires \$300 valuation to become a municipal voter. It does not, however, lessen the voters for parliamentary elections.

Can a person qualify who has been an assessor and received his full salary for the then current year if he tendered his resignation of such office and the resignation is accepted before nomination by the council? G. C.

In the case referred to where the corporation had no further claim on the assessor's services, and the assessor had no pecuniary claim on the corporation we think the assessor would be eligible for election at the ensuing municipal election.

Should the returning officer at a municipal election receive the nomination of a candidate whom he knows is not qualified according to the last assessment roll? G. C.

Our views on this matter will be found elsewhere in this paper, having been in type before our correspondent's letter came to hand. We have nothing further to add except that as the returning officer has not been constituted a court to try the question of qualification, he should not interfere further than to call the attention of the parties concerned to what he may consider good grounds for disqualification, and leave it to them to take the responsibility of going further. We do not say the returning officer may not refuse to accept nominations under any and every circumstance. If some ratepayers were making a burlesque of the election by proposing persons well known to be disqualified, it would be the duty of the returning officer, and he would be upheld in doing so, to refuse to permit such a farce. It is different where persons supposed to be qualified have been proposed in good faith, in such a case the returning officer would have to be very clear as to his course before taking the responsibility of refusing the nomination.

The council of Springhill, N. S., are considering the construction of a system of waterworks. They propose to obtain the supply from a stream seven miles distant, on the gravitation system.

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Messrs. Leech, C. Flack and F. Flack have submitted a proposition to the city council of Brantford, for the construction of an electric street railway similar to that in operation in the City of Ottawa.

## CORRESPONDENCE.

I would like to have the opinion of yourself and other clerks as to why the first appeal against errors in the voters lists should not be to the council or a committee thereof, subject to a further appeal to the County Judge if the parties thought they had not received justice from the council. As the law now is if there are errors for which the assessor or clerk are blameable, they are compelled to pay the costs of court. If the appeals were heard before the council the costs would be but trifling, if any, as after their disposal the council could take up the other business. My reason for drawing attention to the matter just now is that our legislators will soon be remodeling our Municipal Act and their notice ought to be directed to the matter through your columns.

H. J. L., Cambrey.

I consider it an injustice to municipal clerks that they should be required to give a casting vote in case of two or more candidates at a municipal election receiving an equal number of votes. It is true it is not very often a clerk is called upon to perform such an unpleasant duty, but it sometimes happens (as it has done with the writer) and may do so at any election in any municipality, thus placing the clerk in a very unenviable position. It is impossible for a clerk to decide an election in such a case without offending a great many of the electors whom he, in his capacity of clerk, is the steward of. He is expected not to be a partisan, but to stand indifferent between the contending parties and to have no interest to serve for either or for himself. Let him fill the spirit of this rule ever so well and at the close of an election decide a tie vote and he will be suspected by half of the electors, whose wishes he has just defeated, of violating it. If the matter were properly laid before the Legislature I think there would be no trouble in getting this clause of the Act amended. Of course nothing would be done unless it could be shown that the clerks want a change. The county council decides a tie vote in the election of warden without placing their clerk in such an unpleasant position, and I think a very acceptable plan could easily be devised for the benefit of other clerks in similar cases. Say, for instance, that the candidate highest assessed on the last revised assessment roll should be declared elected.

J. B. F.

P. S.—I should like to hear from other clerks on this subj. ct.

J. B. F.

In a former number of THE MISCELLANY the question was asked as to the legality of clerks acting as both returning officers and deputy returning officers, and an examination of the various clauses led us to offer the opinion then that the Municipal Act never contemplated or intended such a combination. A further examination has more firmly convinced us of this view of the law. The only exception made is in Section 136 where it says that "in case of municipalities which are not divided into wards or polling sub-divisions, the clerk shall perform the duties which in other cases are performed by deputy returning officers."

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A movement has been commenced at Windsor, Ont., for the erection of joint public buildings for town and county buildings.

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Remittances received since last issue: C. F., Queenston; J. C., Londesboro; J. R., Port Rowan; J. S. B., Stirling; C. W., Vanburgh; G. C. T., Archer.