

Duty of
Clerks of the
Peace.

2. In case the Clerk of any Municipality does not complete and deliver the list of voters duly certified, by the first of October in each year, it shall be the duty of the Clerk of the Peace forthwith to apply summarily to the County Judge or acting Judge of the County Court in Upper Canada to enforce the completion and delivery of such list. 5

Application
to County
Judge.

3. The application may also be made by any person entitled to be named on such list as an elector.

Duty of County
Judge.

4. The Judge shall, on such application, require the Clerk of the Municipality, and any other person he sees fit, to appear before him and produce the Assessment Roll and any other documents relating thereto, and to submit to such examination on oath as may be required of him or them, and the Judge shall thereupon make such orders and give such directions as he may deem necessary or proper for enforcing the completion and delivery of the list without any avoidable loss of time. 10

Liability of
Clerk of Mu-
nicipality.

5. The Clerk of the Municipality shall be personally liable for and shall pay the costs of the proceedings, unless on some special grounds the Judge shall see fit to order otherwise, and in such special case the costs shall be in the discretion of the Judge. 15

Effect of
Judge's order.

6. Such proceeding and such order of the Judge of the County Court, shall not in anywise exonerate or release the Clerk from liability to the penalty imposed by section six of the said Act, for neglect or refusal to complete the list as therein mentioned. 20

Paragh. 3 of
Sec. 4 of Cap.
6 Con. Stat.
of Canada re-
pealed and
new one sub-
stituted.

27. The third sub-section of the fourth section of chapter six of the Consolidated Statutes of Canada is repealed, and the following is substituted therefor; 25

"3. Whenever two or more persons, whether as being partners in business, joint tenants or tenants in common, are entered on such assessment roll as aforesaid, as the owners of any real property, or as tenants or occupants thereof, each of such persons shall be entitled to vote and to be entered on the list of voters in respect of such property, if the value of his part or share would be sufficient to entitle him to vote at any election for Members to represent in the Legislative Council or Assembly the electoral division within which such property is situate, if such property were assessed in his individual name; except that if the property be held by any body corporate, no one of the members thereof shall be entitled to vote or be entered on the list of voters in respect of such property; and for the purposes of this section the parties assessed as aforesaid shall be presumed to be equally interested in such property, unless the contrary be shewn." 30

"Where the parties assessed are or are presumed to be equally interested as aforesaid, and such property is not assessed at an amount sufficient, if equally divided between the parties assessed, to give a qualification to each of them, none of them shall be deemed entitled to vote." 35

Application
of Sec. 5 of
said Act.

28. The sixth sub-section of section five of the said Act shall apply to Upper Canada. 45