

131a. In cases arising under the two last preceding sections the new election shall be held as soon as practicable.

WHERE AND HOW OFTEN ELECTORS MAY VOTE.

26. Sections 158, 158a, 159 and 161 of *The Municipal Act* are repealed and the following substituted therefor:

158. (1) In cities and towns in which the aldermen or councillors are elected by general vote and in townships and villages every elector may vote once only for mayor or reeve, and once only for each alderman or councillor to be elected, and in case any elector is rated for the necessary qualification to vote in more than one ward or polling subdivision of the municipality in which he resides then he shall vote in the ward or polling subdivision in which he resides if qualified to vote therein; or in case he is not so rated in the ward or polling subdivision in which he resides, or is a non-resident,—then at the place at which he first votes and there only.

(2) In cities and towns in which the aldermen or councillors are elected by wards, every elector may vote once only for mayor at the polling place for the ward or polling subdivision in which he resides, or in case he is a non-resident or is not entered on the voters' list as entitled to vote in that ward or polling subdivision, then where he first votes and there only.

(3) In cities and towns in which aldermen or councillors are elected by wards every elector rated in any ward for the necessary qualification may vote once in each ward for each alderman or councillor to be elected for the ward.

PENALTY FOR VOTING OFTEN THAN ENTITLED.

27. Section 162 of *The Municipal Act* is repealed and the following substituted therefor:

162. (1) Any person who votes more often than he is entitled to under the provisions of this Act shall incur a penalty of \$50.

(2) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted.

PENALTY FOR REFUSAL BY DEPUTY RETURNING OFFICER TO INITIAL BALLOT PAPER.

28. Section 166 of *The Municipal Act* is amended by striking out all the words therein after the word "aforesaid" in the eighth line of the said section.

AGENTS WHO MAY BE PRESENT AT POLLING.

29. Section 175 and section 175a of *The Municipal Act* enacted by section 11 of *The Municipal Act, 1901*, are repealed and the following substituted therefor:

175. In cities where the aldermen are elected by general vote not more than one agent of any candidate and in other municipalities not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or at the counting of the votes.

INSPECTION OF BALLOT PAPERS.

30. Sub-section 1 of section 189 of *The Municipal Act* is amended by striking out the words "a petition questioning" in the 7th and 8th lines and inserting in lieu thereof the words "taking proceedings under the Act in contesting."

31. Sub-section 9 of the said section 189 is amended by striking out all the words therein after the word "person" in the second line and inserting in lieu thereof the words "may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise."

PROCEEDINGS TO UNSEAT MEMBER OF COUNCIL.

32. Sub-section 1 of section 219 of *The Municipal Act* is repealed and the following substituted therefor:

(1) In case the validity of the election or the appointment or the right to hold the seat of a mayor, warden, reeve, alderman, county councillor or councillor is contested, the same may

be tried by a Judge of the High Court or the Judge or acting Judge of the County Court of the County in which the election or appointment of the person whose election or appointment, or whose right to sit is contested was elected or appointed. Any candidate at such election, or any elector who gave or tendered his vote thereat, or in case of an election by acclamation, or in case the right to sit is contested on the ground that a member has become disqualified or has forfeited his seat since his election or appointment, any elector entitled to vote at a municipal election in the municipality may be the relator for the purpose.

PROCEEDINGS TO UNSEAT MEMBER OF COUNCIL

WHO HAS FORFEITED HIS SEAT OR BECOME

DISQUALIFIED SINCE HIS ELECTION.

33. Subsection 1 of section 220, of *The Municipal Act* is amended by inserting therein after the words "or councillor" in the 8th line the words "or in case at any time the relator shows by affidavit to such Judge reasonable ground for supposing that any member of the council of a local municipality or of a county council has forfeited his seat or has become disqualified since his election."

CONTENTS OF NOTICE OF MOTION TO UNSEAT

MEMBER OF COUNCIL.

34. Subsection 2 of section 221 of *The Municipal Act* is amended by striking out the words "or voter" in the third line and inserting in lieu thereof the words "or as an elector of the municipality," and by adding at the end of the said subsection the words "or the grounds of forfeiture or disqualification, as the case may be."

CASES IN WHICH PROCEEDINGS MAY BE TAKEN

AGAINST TWO OR MORE MEMBERS OF THE

COUNCIL OR COUNTY COUNCIL IN

ONE MOTION.

35. Section 225 of *The Municipal Act* is amended by inserting after the word "elected" in the second line the words "or sitting as members of the council or county council."

PROCEEDINGS ON HEARING OF MOTION.

36. Section 226 of *The Municipal Act* is amended by inserting therein after the word "elected" in the fourth line the words "or to attack the right of any member to sit."

37. Section 227 of *The Municipal Act* is amended by inserting therein after the word "election" in the second line the words "or the right to sit."

38. Subsection 1 of section 232 of *The Municipal Act* is amended by inserting after the word "election" in the third line the words "or the right of any person to sit."

39. Section 233 of *The Municipal Act* is amended by striking out all the words therein after the word "removed" in the 7th line and inserting in lieu thereof the words "or in case the Judge determines that some person duly elected has become disqualified or has forfeited his seat then except as provided by section 215a the Judge shall order a new election to be held."

40. Section 234 of *The Municipal Act* is amended by inserting therein after the word "invalid" in the second line the words "or in case the Judge determines that all the members of the council have become disqualified or have forfeited their seats."

41. Section 238 of *The Municipal Act* is amended by striking out the word "may" in the first line, and by inserting after the word "person" in the 3rd line the words "or any person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat, may."

WHEN DISCLAIMER TO RELIEVE FROM LIABILITY

FOR COSTS

42. Section 241 of *The Municipal Act* is repealed and the following section substituted therefor:—

241. A disclaimer filed under section 240 of this Act shall relieve the person making it from all liability to costs, and where a disclaimer has

been made in accordance with section 238 or section 240 of this act it shall operate as a resignation and the vacancy so created shall be filled in the manner provided by this Act with respect to vacancies caused by resignation.

43. Section 243 of *The Municipal Act* is amended by inserting after the word "disclaiming" in the second line the words "under section 238 of this Act."

RULES OF PRACTICE.

44. Section 244 of *The Municipal Act* is amended by inserting therein after the word "elections" in the 7th line the words "or the question of the right of any person to sit in a council or county council."

REMEDY BY QUO WARRANTO ABOLISHED.

45. *The Municipal Act* is amended by inserting therein the following section:—

244a. In cases provided for by this Act in which the validity of an election is contested or in which the right to sit in any municipal council is questioned, *quo warranto* proceedings shall not be taken but in every such case the practice and procedure shall be as prescribed by section 219 and following sections of this Act and the Rules of Court heretofore or hereafter made as provided in section 244 of this Act. (New)

PROCEDURE

46. Section 248 of *The Municipal Act* is amended by inserting after the word "motion" in the first line the words "under this Act."

47. Section 249 of *The Municipal Act* is amended by striking out the words "a trial upon" in the second line and inserting in lieu thereof the words "the hearing of."

48. (1) Section 251 of *The Municipal Act* is amended by striking out the words "section 166" in the second line and inserting in lieu thereof the words "sections 162 and 166"

ENFORCING PENALTIES FOR CORRUPT PRACTICES

AT ELECTIONS.

(2) The said section is further amended by adding thereto the following subsection:—

(2) The judge shall direct that in default of payment of any such penalty and costs within the time fixed by the Judge, the offender shall be imprisoned in the common gaol of the county for such period, not exceeding thirty days, as shall be directed by the said judgment, and in case of such default of payment the Judge shall issue a warrant for the arrest and confinement of the offender in such common gaol in accordance with the said judgment unless the penalty and costs are sooner paid. R. S. O. 1897, c. 223, s. 162 (3).

LIMITATION OF TIME FOR PROCEEDINGS.

49. Section 256 of *The Municipal Act* is amended by inserting after the word "proceedings" in the first line the words "under this Act."

WHEN NO PENALTY RECOVERABLE.

50. Section 257 of *The Municipal Act* is amended by striking out the words "or any other Act of the Legislature of Ontario" in the second line and inserting after the word "election" in the fourth line the words "or at the voting upon a by-law."

ELECTION OF WARDEN—CASTING VOTE.

51. Section 263 of *The Municipal Act* is amended by striking out all the words therein from the commencement of the said section down to the word "votes" in the fifth line and inserting in lieu thereof the following:—

263. Where the number of votes cast for two or more members upon the election of a warden is even, and no election can be had during the first day of meeting, if no choice is made after two votes have been taken in the council on the second day, the senior member representing the division having the largest equalized assessment shall have two votes, but should two divisions have the same equalized assessment then the senior member representing that division which has the larger number of voter