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No 26.

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1st Session, 6th Parliament, 21 Victoria, 1858.

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**BILL.**

An Act to amend the Laws relating to the  
Election of Members to Parliament, and  
to prevent fraud and violence in voting  
at the said Elections.

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Received and read, first time, Friday, 9th  
April, 1858.

Second reading, Monday, 12th April, 1858.

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MR. ARCHAMBEAULT.

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TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to amend the Laws relating to the Election of Members to Parliament, and to prevent fraud and violence in voting at the said Elections.

WHEREAS it is necessary to amend certain parts of the Acts which regulate election of members to represent the People of this Province in the Legislative Assembly thereof, and to adopt provisions better calculated to restrain the frauds and violence which frequently occur at such elections: Therefore, Her Majesty, &c., enacts as follows :

Preamble.

I. No person shall be admitted to vote at any such election for a County or Riding, unless such person be of the male sex, of the full age of 21 years, and a subject of Her Majesty by birth or naturalization, nor unless he shall at the time he tenders his vote have been entered six months previously, on the valuation roll of the local Municipality in which he resides, as assessable on real estate to the value of at least £25, or as engaged in a profession, calling, or occupation, assessed on the said roll at the sum of at least £10 per annum.

Qualifications of voters in counties or ridings.

II. No person shall be admitted to vote at any election of a member to represent a City or Town in this Province, unless having the qualifications with respect to sex and age, and as being a subject of Her Majesty, required by the foregoing section, he be rated on the assessment roll for the said City or Town upon the sum of at least £ ; And no elector shall be entitled to vote elsewhere than at the poll for the local Municipality, or for the Ward of the City or Town in which he shall reside.

Qualifications of voters in cities and towns

III. Between the fifteenth day of the month of June, and the fifteenth day of the month of July in each year, the Secretary-Treasurer of each local Municipality of every County shall be bound to furnish to the Registrar of such County an extract from the valuation roll of the said Municipality, containing the names of the ratepayers residing in the said Municipalities, their professions, callings, or occupations, the range or cote in or upon which they reside, and the amount of the valuation of their real properties, professions, callings, or occupations respectively, duly certified by the Mayor and the said Secretary-Treasurer, under pain of a fine of £100 each, to enforce which proceedings may be taken by any elector of the County.

Secretary or Treasurer of each local municipality to make an annual return of rate-payers, &c., to Registrar.

IV. Between the fifteenth day of the month of July, and the fifteenth day of August in each year, the Clerk of every City or Town shall be bound to furnish to the Sheriff thereof an extract from the assessment

Each city or town clerk to make a similar return to the Sheriff.

roll then in force in each Ward, containing the names of the ratepayers, and showing their professions, callings, or occupations, the ward or the street in which they reside, and the amount of assessment which they are bound to pay duly certified by the said Clerk of such City or Town, under pain of a fine of £200.

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Municipal Councils not complying with the above the municipalities to be disfranchised.

V. Any Municipality, the Municipal Council of which shall not have caused a valuation roll to be made, in conformity with the Municipal and Road Act of 1855, or shall not have caused an extract from the valuation roll to be transmitted as hereinbefore required, to the Registrar of the County, shall be deprived of its elective franchise, in respect of the election for which such extract was required.

Duties of the Sheriffs or Registrars with respect to such returns.

VI. So soon as any Sheriff or Returning officer shall have granted a poll, he shall be bound to furnish to each of his deputies a copy certified by such Sheriff of the extract from the assessment roll of each Ward of the City or Town containing in alphabetical order the names of the ratepayers resident in such Ward, if it be for an election in a City or Town, and if it be for a County election, a copy certified by such Registrar of the extract from the valuation roll of each local Municipality containing in alphabetical order the names of the ratepayers residing in the said local Municipality; and in either case such copy shall serve as the Poll-book for the Ward of the City or Town, or for the local Municipality to which it relates, the columns for the candidates being added thereto.

Candidates at elections may also procure copies.

VII. The candidates may procure a copy of such extract for each of their representatives, upon applying therefor to the Sheriff or Registrar within forty-eight hours after the hour of the nomination, and upon depositing at the same time two shillings and sixpence for each hundred names of the ratepayers contained in such copy, and five shillings for preparing the book containing such copy.

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Delay between nomination day and days of voting. How votes shall be taken, and duties of Deputy Returning Officers with respect to voters.

VIII. The delay between the nomination day and the days of voting shall not be less than ten, nor more than fifteen clear days.

How votes shall be taken, and duties of Deputy Returning Officers with respect to voters.

IX. Whenever an elector shall come to the poll to give his vote, the Deputy Returning officer shall cause him to state his Christian names and surname, he shall then see if such Christian names and surname are contained in the alphabetical poll-book with which he is provided, if they cannot be found in such book, the vote shall not be received; if such name be found therein, and if, upon being required so to do by any of the representatives of the candidates, the voter identifies himself by declaring his quality, profession, or occupation, and also the street of the Ward, or the range or *côte* of the Municipality in which he resides, and, lastly, the amount at which he is assessed or rated, his vote shall be entered opposite his name in the column assigned to the candidate whom he shall have named.

Number of oaths to qualification limited.

X. The candidates or their representatives shall not be entitled to demand any other oaths than that as to the age of 21 years, the oath of allegiance, and that as to the name of the elector.

Penalty on persons forcibly taking

XI. Persons who by violence or stratagem shall take possession of a poll, or who by threats or violence shall compel a Deputy Returning

Officer or a Poll Clerk to enter any vote in contravention of their duty or of the law, or who themselves or by means of others acting under their orders or directions shall enter upon a poll book one or more votes, shall be guilty of felony, and may be punished by imprisonment in the penitentiary or by a fine of not less than £50, in the discretion of the Court before which the case shall be brought.

possession of polls.

XII. Hereafter it shall not be lawful to treat any elector nor any assembly of electors, even at the expense of any person or persons at their ordinary place of abode; and any person who shall retail or give to drink to one or more electors or other persons, any description of spirituous or fermented liquors during the forty-eight hours of the voting in the ward or local municipality in which a poll shall be held, shall be liable to a fine of not less than £25.

Treating at elections forbidden under a penalty of £25.

XIII. All hotels, taverns, and shops in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the forty-eight hours of the voting in the wards or municipalities in which the polls are held, in the same manner as they should be on Sunday during Divine Service, under a penalty of £25 against the keepers thereof if they neglect to close them.

All taverns, &c., to be strictly closed during the days of voting.

XIV. Upon an information, complaint, or declaration before the Mayor or any Justice of the Peace of any municipality or ward of any city or town in which any such election shall be held, that any person has received or deposited in any place, house, or building of any description whatsoever, any spirituous or fermented liquors, to be retailed, distributed, or given to any person whomsoever between the evening previous to the nomination day and the day of the closing of such election, it shall be the duty of such Mayor or Justice of the Peace, under a penalty of £25, to authorize by warrant under his hand any constable or other person or persons to enter into such place, house, or building, to search for and seize all such spirituous or fermented liquors or drinks, and to arrest and bring before any Justice of the Peace in the District, any person who shall have so received or deposited such spirituous or fermented liquor, or who shall be found drinking thereof or distributing the same to others, for examination, and upon conviction by the evidence of one credible witness, he shall be imprisoned for the whole period of the said election or be condemned to pay a fine of £25.

Proceedings to be taken to enforce observance of above section.

XV. Any person who shall be found drunk, noisy, threatening, or provoking to quarrel or fight, at any time during such election, within the limits of the municipality in which it shall take place, shall be liable to a fine of £5; and any person who shall be guilty of any battery, within the period of time above mentioned, and within a distance of two miles from the place at which such election or any of the polls thereof shall be held, shall be deemed guilty of an aggravated assault, and shall be punished therefor by a fine of £50, or by imprisonment, or by both in the discretion of the court.

Persons found drunk and violent during elections, how punished.

XVI. Any person who, being a stranger in the local municipality or in the ward of the town or city in which an election poll shall be held, shall approach within the distance of three arpents from such poll and shall remain there, shall be liable to a fine of £4; and if such person shall refuse to go away when ordered to do so by a peace officer or

Strangers to remain at a certain distance from the poll. Penalty on refusal.

constable, he may be arrested forthwith, and imprisoned for the whole period of the election, or condemned to pay a fine of £5.

Persons annoying electors coming to vote.

XVII. Any person who, within the house or building in which the poll shall be held, or in the approaches or entries thereto, shall in any way impede any elector coming to vote at such election, shall, on complaint of such elector, or of one credible witness, be summarily and on the spot sentenced by the deputy returning officer, or any justice of the peace, to pay a fine of £4.

Returning Officer to be responsible for his deputies if insolvent.

XVIII. If any returning officer or sheriff shall appoint insolvent deputies, he shall be held responsible for the penalties and damages which such deputies may incur by negligence or contravention of the law of elections.

Deputy Returning Officer to swear in six special constables,—their duties.

XIX. The Deputy Returning Officer shall appoint and swear in six poll constables whose duty it shall be to keep open the approaches to the poll against all violence, under the direction of the Deputy Returning Officer, who shall also have the right of appointing and swearing in as many special constables as he shall deem necessary for the maintenance of peace and order; and any person who shall refuse to take the oath as constable, or who having taken it, shall neglect to discharge the duties thereunder, upon the verbal or written requisition of the said Deputy Returning Officer, shall be liable to a fine of £5 for each neglect or refusal.

Summary proceedings against those refusing to obey orders of the constable or peace officer.

XX. Any person who, being at the poll or hustings at such election, or in the vicinity of the said poll or hustings, shall resist or refuse to obey any constable or officer or other peace officer acting under the orders of a Deputy Returning Officer, may be summarily and on the spot condemned by such Deputy Returning Officer to pay a fine of £5, or to imprisonment for one month, and any such judgment, warrant, or *mittimus* rendered or issued by virtue of this Act may be enforced or carried into effect at any time within the year following the day on which such judgment, warrant, or *mittimus* shall have been rendered or issued.

Convictions to be summary—right to appeal in certain cases.

XXI. Every conviction under this Act shall be summary and without appeal, when the penalty does not exceed five pounds; and in any case in which an appeal lies, such appeal shall be by petition to a Court of competent jurisdiction, and not by *certiorari*. All the penalties prescribed in this Act are stated in pounds and shillings of the present currency.

Half the penalty to be given to the informer.

XXII. The informer, even though he be a witness for the prosecution, shall receive one-half the penalty; and in all cases the costs shall be levied over and above the amount of the penalty.

Certain sections of this Act to be printed and posted with proclamation, and to be read at the church door.

XXIII. Sections 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, and 22 of this Act shall be printed in the form of placards, and sent in sufficient numbers to each Returning Officer, that he may attach one of such placards at the foot of each proclamation calling a general meeting of the electors, and further, they shall be read in a loud and intelligible voice, in the language of the majority present, on the Sunday next before the voting, at the door of each church or chapel in the local municipality in which a poll is about to be held.

XXIV. The Act 18 Vic. cap. 87, is hereby wholly repealed, and all the sections of the Elections' Act of 1849 (12 Vic. cap. 27) from the thirtieth to the forty-sixth sections, both inclusive, are also hereby repealed, together with all such parts of the other sections of the said Act as may be inconsistent with the provisions of this Act.

Certain Act  
and parts of  
Acts repealed.

XXV. The fees hereinafter mentioned shall be added to those now fixed by the Act 12 Vic. cap. 27, viz:

Increase of  
fees.

To the Returning Officer—for entering in the Poll books in alphabetical order the names of the rate-payers, in the form hereunto annexed, five shillings for each one hundred names.

To the Deputy Returning Officer—for reading or causing to be read at the door of the church or chapel in his municipality the sections of this Act, which he is directed to cause to be read on the Sunday next before the voting—five shillings, and the same amount for each church or chapel where there are more than one.

For four additional constables at the poll—to each, *per diem*, five shillings.

## SCHEDULE A.

EXTRACT from the Valuation Roll of the Local Municipality of \_\_\_\_\_ (or from the Assessment Roll  
 for the Ward of \_\_\_\_\_ ) transmitted to the Registrar (or Sheriff) for the County  
 of \_\_\_\_\_ (or for the Town of \_\_\_\_\_ ) on the \_\_\_\_\_ day of June (or July) 18\_\_\_\_

| Names of Ratepayers.       | Profession,<br>Calling, or Trade. | Street, Range, or Concession. | Amount of Valuation<br>or Assessment. |
|----------------------------|-----------------------------------|-------------------------------|---------------------------------------|
| Joseph Allair.....         | Blacksmith.....                   | St. Catherine .....           | £50 0 0                               |
| Peter Edmonds.....         | Notary .....                      | " .....                       | 125 0 0                               |
| Pierre Duquette.....       | Farmer .....                      | St. Louis.....                | 350 0 0                               |
| Antoine Allair.....        | Merchant .....                    | " .....                       | 500 0 0                               |
| François Fontaine.....     | Joiner .....                      | St. Paul.....                 | 200 0 0                               |
| &c.                    &c. |                                   |                               |                                       |

## SCHEDULE B.

COPY, in Alphabetical order, of the Valuation Roll of the Local Municipality of \_\_\_\_\_ (or of the Assessment Roll of the  
 Ward of the City of \_\_\_\_\_ ) to serve as a Poll Book for the Election for the County of \_\_\_\_\_ (or City of \_\_\_\_\_ )  
 day of \_\_\_\_\_ 185\_\_\_\_

| Names of Ratepayers.    | Profession,<br>Calling, or Trade. | Street, Range, or Concession. | Valuation<br>or Assessment | Oaths.  | Candidates |       |
|-------------------------|-----------------------------------|-------------------------------|----------------------------|---------|------------|-------|
|                         |                                   |                               |                            |         | A.         | B.    |
| Allain, Joseph .....    | Blacksmith .....                  | St. Catherine.....            | £50 0 0                    | .....   | 1          | ..... |
| Burke, Charles .....    | Farmer.....                       | St. Louis.....                | 500 0 0                    | .....   | .....      | 1     |
| Charretier, Jean .....  | Joiner .....                      | St. Catherine .....           | 50 0 0                     | Age.    | 1          | ..... |
| Duquette, Peter .....   | Farmer .....                      | St. Louis.....                | 350 0 0                    | .....   | 1          | ..... |
| Edmonds, Pierre .....   | Notary .....                      | Do .....                      | 125 0 0                    | Alle-   | .....      | 1     |
| Fountain, Francis ..... | Joiner .....                      | St. Paul.....                 | 200 0 0                    | giance. | 1          | ..... |
| Gowlet, Joseph .....    | Farmer .....                      | Ste. Julie.....               | 400 0 0                    | .....   | 1          | ..... |
| Howler, Paul .....      | Do .....                          | Do .....                      | 300 0 0                    | .....   | .....      | 1     |