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No. 36.

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1st Session, 8th Parliament, 27th Victoria, 1863.

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**BILL.**

**An Act to amend the Act respecting Elections of Members of the Legislature.**

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Received and read first time, Tuesday, 1st  
September, 1863.

Second reading, Wednesday, 21st Sept.,  
1863.

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Hon. Mr. ROSE.

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**QUEBEC :**

**PRINTED FOR THE CONTRACTORS, BY HUNTER,  
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An Act to amend the Act respecting Elections of Members of the Legislature.

**H**ER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

Preamble.

1. At any Periodical Election of Members of the Legislative Council, or any General Election of Members of the Legislative Assembly, the Clerk of the Crown in Chancery shall issue all the Writs for such Election within                      days of each other, so that the last of such writs shall not be issued later than the                      day after the issuing of the first of such writs; and in the case of a General Election of Members of the Legislative Assembly, all the said writs shall be issued (as provided by the Union Act,) within fourteen days after the sealing of the Proclamation or Instrument for summoning and calling together such Legislative Assembly: and every Writ of Election shall be transmitted to the Returning Officer by regular mail, and in no other manner, and shall be posted to his address on the day on which it is issued.

At periodical or general elections, all writs to issue within a certain time of each other, and be sent to Returning Officers by mail.

2. Notwithstanding anything to the contrary in the thirty-first Section of the Act respecting Elections of Members of the Legislature, the Returning Officer shall, within two days next after the reception of the writ of Election, issue the Proclamation in the said section mentioned, fixing the place, day and hour at which he will proceed to hold the Election.

Time for issue of Returning Officers Proclamation limited.

3. The day to be fixed for holding the Election, or Nomination Day, shall not be less than                      nor more than                      days after the day on which the Proclamation is issued, if the Election be for a city or town, nor less than                      days nor more than                      days after the said day, if it be for a County or Riding for an Electoral Division for the Legislative Council, except only if it be for the County of Gaspé, or the United Counties of Chicoutimi and Saguenay, or any Electoral Division including any of them, in which case the nomination day shall not be less than                      nor more than                      days after the day on which the proclamation is issued, which day as well as the nomination day shall not be reckoned in computing any of the intervals of time mentioned in this Section.

And for the Nomination day.

4. If the Election be for a city or town, the Returning Officer shall cause the said proclamation to be posted up as now by law provided, and under the penalty now imposed in case of default:—but if it be for a County or Riding or for an Electoral Division for the Legislative Council, he shall as soon as possible after the issue of the proclamation, transmit by mail, to each Postmaster in such County, Riding or Electoral Division, whose office is not in a city or town divided into wards, at least one copy of such proclamation, and such Postmaster shall immediately on the receipt thereof, post up one copy in some conspicuous place in his office,—and to each Postmaster in any such Electoral Di-

Posting proclamation.

vision whose office is in a city or town divided into wards, the Returning Officer shall so transmit at least as many copies as shall be sufficient to enable him to comply with the requirements herein-after made; and such Postmaster shall immediately on the receipt thereof, post up one copy in some conspicuous place in his office, and shall cause one copy to be posted up, in Upper Canada at the City or Town Hall of such city or town, and in some public place in each ward thereof, and in Lower Canada, at the door of at least one church or chapel or other place of public worship, in such city or town, and in at least one public place in each ward thereof within such Electoral Division;—and his expenses incurred in so doing shall be reimbursed to him by the Returning Officer, and allowed to the latter as part of his lawful costs about the election.

**Expenses** **5.** Any Returning Officer refusing or neglecting to cause the proper number of copies of such proclamation to be transmitted by mail to the several Postmasters in the County, Riding or Electoral Division, as hereinabove required, and any Postmaster refusing or neglecting to cause any copy or copies of such proclamation to be posted up as hereinabove required, shall for such neglect or refusal incur a penalty of *one hundred* dollars.

**Such posting to suffice,** **6.** The posting of the proclamation aforesaid as hereinbefore prescribed shall be sufficient, and it shall not be necessary that any such proclamation be posted up otherwise or for any longer period than the provisions above made will allow; and sub-sections seven and nine of section thirty-one of the said Act respecting Elections of Members of the Legislature are hereby repealed.

**Period between Nomination and Polling day limited.** **7.** The second and third sub-sections of section forty-two of the Act last mentioned are hereby repealed, and the day to be fixed by the Returning Officer in such proclamation as that on which the poll shall be held if demanded, shall not be more than days after the Nomination day if the election be for a city or town; not more than days after the Nomination day, if the Election be for a County, Riding or Electoral Division for the Legislative Council, except only in the Counties of Gaspé, Chicoutimi and Saguenay or any Electoral Division of which they form part, in which there shall not be less than nor more than days between the Nomination day and the Polling day:—neither the Nomination day nor the Polling day shall be reckoned in computing the interval between them limited by this section.

**Only one polling day.** **8.** Notwithstanding anything to the contrary in section forty-three of the said Act respecting Elections of Members of the Legislature, there shall be but one polling day for recording the votes of the Electors at every Election of a Legislative Councillor or of a Member of the Legislative Assembly, and the voting shall finish at five o'clock in the afternoon of such day, when the poll shall be closed.

**Additional Polling places.** **9.** The Returning Officer on receiving the Writ of Election shall fix in every parish, township, city, town, incorporated village or ward in his Electoral Division, one polling place if there be less than two hundred and fifty Electors therein, according to the list of Electors to be used at such Election; two polling places if there be over two hundred and fifty Electors, and not over five hundred, and so on, adding one polling place for every two hundred and fifty additional Electors, and one for any surplus less than two hundred and fifty over any multiple of two hundred and fifty, on such list as aforesaid; a Deputy Returning officer shall be appointed for each polling place, and in Upper Canada, the

person or persons who ought, under section forty-five of the said Act, to be appointed as such Deputy Returning officer in any place in which there shall be more than one polling place, shall be appointed to be such at one of the polling places, subject to the provisions of subsection 5 five. Deputy Returning Officers.

10. The polling places shall be fixed at the most convenient places in each parish, township, incorporated village, town, city or ward, so that they may be distant from each other at least half a mile in each rural parish or township, and at least *three hundred* English yards in each city, town, incorporated village or ward; and the polling place, or one of the polling places, shall be fixed in conformity to the provisions of sections thirty-eight of the Act respecting Elections of Members of the Legislature, but all polling places shall be appointed by the Returning Officer, and not by the Deputy Returning Officers. Polling places, how to be fixed.

15. 11. Any Elector may vote at any one of the polling places established and fixed within the parish, township, city, town, incorporated village or ward for which he is qualified to vote; except in the case of a sub-division as hereinafter mentioned, when such Elector shall only vote in that sub-division in which he is qualified to vote. Where Electors may vote

20. 12. The Municipal Council of any parish, township, city or town may divide the said parish, township, city or town into electoral sub-divisions or wards so that there may be at least one electoral sub-division or ward for each two hundred and fifty Electors in such parish, township, city or town; and whenever such division shall have been made not less than weeks before the date of a Writ of Election, separate polls shall be held, and separate lists of voters shall be made by the same persons and in like manner as the lists of Electors are now made, for each such sub-division of any parish, township, city or town. Local Municipal Councils may divide their municipality into electoral sub-divisions.

30. 13. The fourth and fifth sub-sections of section forty of the said Act respecting Elections of Members of the Legislature, are hereby repealed, and no day for the closing of the Election shall be fixed by the Returning Officer on the Nomination day, or at any other time; nor shall there be any public and open proclamation of the candidate or candidates elected, and so much of the sixty-fifth section, or any other part of the said Act as requires such proclamation, or the counting of votes in the presence of the electors, or as refers to any adjournment for that purpose, or as depends on the fixing of the day for closing the Election, is hereby repealed: and the Returning Officer shall, so soon as he shall have received all the poll-books used at the Election, count and add up from each poll-book the total number of votes taken and received at the election at all the polling places, and as soon as he has ascertained the total number of votes, he shall return, as duly elected to represent the Electoral Division in the Legislative Council or Legislative Assembly, the person or persons having the greatest number of votes, and shall transmit his Return to the Clerk of the Crown in Chancery within the period fixed for such Return; but no Indenture of the Election shall be made, and the sixty-seventh section of the said Act is hereby repealed: Provided always, that the powers and duties of the Returning Officer, or of any other person under the sixty-eighth, sixty-ninth and seventieth sections of the said Act, shall not be affected by the abolition of the day of closing the Election, or by any other provision of this Act. No day to be fixed for closing the election, nor any proclamation of members elected.  
How the Return shall be made.  
No Indenture.  
Proviso.

55. 14. So much of the said Act respecting Elections of Members of the Legislature as may be inconsistent with this Act, is hereby repealed, and this Act shall be construed as one Act with the said Act, any citation whereof shall be understood as meaning the said Act as hereby amended. Repeal of inconsistent enactments.