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1878
no. 52

VOTERS' LISTS ACT,

WITH NOTES:

TOGETHER WITH SOME REMARKS UPON THE

VOTERS' LISTS FINALITY ACT,

-BY-

The Junior Judge

-OF THE-

COUNTY OF SIMCOE.

BARRIE:

WESLEY & KING, LAW & MUNICIPAL PRINTERS AND PUBLISHERS.

1878.

Entered according to Act of the Parliament of Canada, in the year one thousand eight hundred and seventy-eight, by John A. Ardagh, in the office of the Minister of Agriculture.

FURTHER

SUGGESTIONS

—TO—

Municipal Officers

CONTAINING

"THE VOTERS' LISTS ACT,"

WITH NOTES EXPLANATORY AND DIRECTORY ON
THE SAME; AND ALSO ON

"THE VOTERS' LISTS FINALITY ACT."

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FINDING that his "Suggestions to Municipal Officers" (relating chiefly to their duties in respect to Voters' Lists,) published in 1875, was largely made use of throughout the Province, the undersigned thinks the present time an opportune one to treat further of the subject. In the Revised Statutes lately issued all the law bearing on the subject of Voters' Lists has been collected and consolidated in a single Act. The importance of the benefit thus conferred on Municipal Officers will be best realized when it is remembered that to perform rightly their duties on this head, some half dozen Acts, scattered at random through different volumes of the Statutes, had to be consulted and digested. A task of this sort even professional men find no light one, when called upon to give a formal opinion on some point. How very much heavier it is then to a layman may well be imagined. It is well known that Municipal Clerks, while required to be, (as they generally are), men of intelligence and a fair education, are, in the case of most Townships at least, very poorly remunerated. This should not be. Municipalities should seek to get the best man pay him well, and keep him. This they would find to be true economy.

Since the writer commenced his work, the "Voters' Lists Finality Act," one of the utmost importance, and one for which aspirants to Parliamentary honors should be duly grateful, has been passed by the Provincial Legislature. Under it further complaints may be made against the Voters' Lists of last year, up to a certain date. Reference has also been made to the provisions of this Act.

It was the intention of the writer to direct his remarks to the officers of his own County only, but understanding that others would be glad to avail themselves of what he might say, he now commits them to the consideration of all such officers throughout the Province. No attempt has been made to be exhaustive, for the subject is one that, considering its importance, deserves to be treated more at length, and demands more time than the writer can spare from more pressing duties. For, surely, that which is the foundation of pure and honest representation, and so, of pure and honest legislation, is a subject of the very utmost importance.

Attorney-General Mowat has now, by the consolidation of all previous Acts, with such amendments as the experience gained from the working of those Acts has suggested, made all possible provision for the honest and proper exercise of the Franchise. It is earnestly to be hoped that all those whose duty calls upon them to assist in carrying out the provisions of the law as it now stands, will perform that duty in a thorough and conscientious manner.

JOHN A. ARDAGH,
Junior Judge, County of Simcoe.

BARRIE, March, 1878.

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THE VOTERS' LISTS ACT.

REVISED STATUTES OF ONTARIO, CHAP. 9.

SECT. I.—This Act may be cited as "*The Voters' Lists Act.*"

This does away with the necessity of, as heretofore, distinguishing between the Act "of 1875," "of 1876," &c. and the title given should always be used in referring to *this Act.*

SECT. II.—The Clerk of each Municipality shall, immediately after the final revision and correction of the assessment roll in every year, make a correct alphabetical list in three parts (Form 1) of all male persons being of the full age of twenty one years and subjects of Her Majesty by birth or naturalization, and appearing by the assessment roll to be entitled to vote in the Municipality, prefixing to the name of each person his number upon the roll.

As this list is to be used for both the Dominion and Provincial Elections, and also for Municipal Elections, the utmost care should be taken in its preparation.

The first point to be noticed is THE TIME for making out these Lists.

The Act says "immediately after the final revision and correction of the Assessment Roll."

The 9th Sub-section of this Section lays down the time when, *relatively*, this final revision takes place. Further reference will be made to this point under that Sub-section.

FORM OF THE LIST.

The List is to be a correct alphabetical one in Three Parts.

It will be observed that where there are more than one polling sub-division the form of the list given in the present Act is somewhat different from that prescribed by last year's Act. By the latter, each "Part" was separate from the others, and was divided into the several polling subdivisions. Now,

however, this is reversed, each polling sub-division being made out separately and divided into the three "Parts."

Clerks in *Cities, Towns, and Incorporated Villages* have to do with Part I. only, and they will therefore merely draft into their respective polling subdivisions (if more than one) the names of those entitled to vote, the same qualification being necessary for both Parliamentary and Municipal elections,—and that is—:

In Cities, Real Estate to the value of.....	\$400.00.
In Towns, " " " "	300.00.
In Incorporated Villages, "	200.00.

Or, in any one of them an assessed income of at least \$400.

In *Townships*, Clerks have to do with Parts I. and II. Their first step will be to distribute the names of all persons (entitled to be voters) assessed for real estate to the value of \$100 and upwards, or for income to the extent of \$400, under their respective polling subdivisions. Next, to divide each subdivision into Parts I. and II., placing in Part I. the names of those just mentioned who are assessed for real estate of the value of \$200 and upwards, or for income; and in Part II. the names of the others.

All Clerks must, however, make out the Lists in the Form given by the Statute, with all the necessary headings, a reasonable space being left in those Parts having no names, for any names that may afterwards have to be placed in them by the Judge.

The next step is to arrange the names in each of these Parts alphabetically. The Act says a "correct alphabetical list" is to be made. By this, of course, is meant, not simply throwing all the names beginning with any one letter promiscuously together, but, when so separated, arranging them as the words are in a dictionary, so that any person can at once look for his name where it ought to be. Unless this is done, much time is lost in picking out the name of each complainant, where there are a great number on the List.

WHO TO BE PLACED ON THE LIST.

All male persons,

- (1) Being of the age of twenty-one years, according to the Assessment Roll.
- (2) Being subjects of Her Majesty by birth or naturalization; and
- (3) *Appearing* by the Assessment Roll to be entitled to vote in the Municipality.

It will be sufficient if they *appear* to be so entitled. Clerks, therefore, have no discretion as to whom they may leave off or whom they should put on. *This Act* says nothing about the disqualification of certain persons, and with that question the Clerk has nothing to do.

2. The first of the three parts shall contain the names, in alphabetical order, of all male persons of full age and subjects as aforesaid, appearing by the assessment roll to be assessed for the real property or income requisite to entitle them to vote in the Municipality at both Municipal Elections and elections for members of the Legislative Assembly.

CONTENTS OF PART I.

In this "Part" are to be placed the names of every male subject of Her Majesty, of full age, appearing by the Assessment Roll

- (1) To be rated as the Owner, Tenant or Occupant of real property, of the actual value of

In *Cities*, Four Hundred Dollars;
 In *Towns*, Three Hundred Dollars;
 In *Incorporated Villages and Townships*, Two Hundred Dollars; or

(2) To be assessed for an income of not less than Four Hundred Dollars.

3. The second part shall contain the names, in alphabetical order, of all other male persons of full age and subjects as aforesaid, appearing by the assessment roll to be entitled to vote in the Municipality at Municipal Elections only, and not at elections for members of the Legislative Assembly.

CONTENTS OF PART II.

This Part is to contain the names of all *other* male subjects of Her Majesty, of full age, appearing by the Assessment Roll to be rated as Owners, Tenants, or Occupants of real property, in *Townships*, of the actual value of not less than One Hundred Dollars.

4. The third part shall contain the names, in alphabetical order, of all other male persons, of full age and subjects as aforesaid, appearing by the assessment roll to be entitled to vote in the Municipality at elections for members of the Legislative Assembly only, and not at Municipal Elections.

CONTENTS OF PART III.

This Part is to contain no names, as none appear, by the Assessment Roll, to come under the conditions required for it.

OWNER includes a proprietor in right of his wife, and OCCUPANT one occupying in right of his wife; and every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, is a householder, who, if rated high enough, is entitled to vote at Municipal Elections.

If two or more persons are assessed as joint owners, or joint occupiers, the name of each shall be placed on the List, if the property, equally divided between them, is sufficient to give each the proper qualification. If it is *not* sufficient, then *none* of the names are to be placed on the List. This does not apply, however, to a case of landlord and tenant, nor to a case of owner and occupant, where they are rated severally but not jointly; nor to the case of a "Farmer's Son," who is assessed jointly with his father. In this latter case, if the property is not sufficient to give each a vote, the father alone is entitled.

A FREEHOLDER (F) on the Roll is to be described on the List as *Owner*, and a Householder (H) as *Occupant*. The words "Owner," "Occupant," and "Tenant" should appear *in full*, as prescribed by the Form. It is improper to use "do." or inverted commas opposite any name.

In order to allow the Judge to add names to the List, a space of two lines should be left between every two pairs of names, at least.

5. Where a Municipality is divided into polling subdivisions the list (to be made in three parts as aforesaid) shall be made for each of such subdivisions.

Revised Stat., Chap. 174, s. 461, prescribes the regulations respecting

polling sub-divisions. Not more than two hundred names should appear in any one polling sub-division. If more than that number of electors in any Ward, Township, Village or polling sub-division, it is the duty of the Corporation to make a new polling sub-division. If any two such sub-divisions have been united for municipal purposes (as the Act permits in the case of Cities, Towns and Incorporated Villages) the Clerk must bear it in mind in preparing his List. It will be observed that the limits of each polling sub-division must now be given in the List.

6. If the qualification of any such person is in respect of real property, the Clerk shall, opposite the name of the person, insert, in the proper column of the voters' list the number of the lot or other proper description of the real property in respect of which each person is so qualified; and in the case of a person being a farmer's son within the meaning of "*The Election Act*" and "*The Municipal Act*," the Clerk shall also, in the proper column of the voters' list, state that fact and the place at which the voter resides in the Municipality.

All the property a voter is assessed for should appear in the proper column of the List.

If the Assessor has done his duty, the Clerk need have no trouble with respect to *Farmers' Sons*. If they appear on the Roll, and are sufficiently assessed, the Clerk is to enter their names on the List; the property in respect to which they are assessed; the description "*Farmer's Son*" in the proper column, and the residence of the party in the Municipality. A *Farmer's Son* is entitled to be assessed in the manner provided by the Act, under the following conditions:

1. The *Farm* must be of at least twenty acres, and actually occupied by the owner.

2. If the farm, whether owned by father or mother, is assessed at *double* the value requisite to confer a vote, then the father (if living) and the eldest son will each be entitled to a vote; if at *treble* such value, then the next eldest son (if any) will also be entitled to a vote. Should the father be dead, and the mother be a widow and own the farm, the eldest son takes the father's place, the next eldest (if any) *his* place, and so on.

3. Such son must have resided on the farm for twelve months next before the return of the assessment roll, though temporary absence for a time or times, not exceeding in the whole four months out of the twelve, is not to disentitle him to a vote.

The Clerk, then, will be able on looking at the Roll, to say at once who is entitled, in such a case, to be placed on the List.

Unless the son appears by the Assessment Roll to be twenty-one years old, he cannot be put on the List.

A *Farm* of Twenty acres, assessed to father and son, and valued at not less than \$200, but less than \$400, entitles the father to be placed in Part I., and the son in Part II. If valued at not less than \$300, but less than \$400, and assessed against father and *two* sons, then the father will be placed in Part I. and both sons in Part II. If valued in such a case at not less than \$400, but less than \$600, the father and eldest son are entitled to be placed in Part I., the second son in Part II., and so on.

7. If the qualification is in respect of income, the Clerk shall, in the proper column of the voters' list, state that fact and the place at which the voter resides in the Municipality.

The place at which he resides ; that is, Street and Number, in a City or Town ; Lot and Concession or Village, in a Township Municipality ; anything definite, in short, by which the person may be found.

8 Wherever it appears by the assessment roll that any person is assessed for property within the Municipality sufficient to entitle him to vote, but that it lies partly within the limits of one of such subdivisions and partly within another or others, the Clerk shall enter his name on the list of voters in each or every subdivision in which any part of such property is situate, with the following words added : " See Subdivision No. "

The requirements of this Section must be carefully complied with, by inserting the words " See Sub-division No. 2" (or as the case may be) after the voter's name in every place it appears on the List. The Returning Officer will then be put upon enquiry as to whether any such elector has already voted in another sub-division.

9. An assessment roll shall be understood to be finally revised and corrected, when it has been so revised and corrected by the Court of Revision for the Municipality, or by the Judge of the County Court, in case of an appeal, as provided in " *The Assessment Act*," or when the time during which such appeal may be made has elapsed, and not before.

If the Roll has been returned on or before the 1st of May, this FINAL REVISION takes place,

1st. When the Roll passes the Court of Revision, provided there has been no appeal to that Court.

2nd. On the 6th day of July, if there has been an appeal to the Court of Revision, but none from it to the County Judge.

3rd. Whenever Judgment has been given by the County Judge, if there has been an appeal to him from the Court of Revision.

It is provided by R. S., Chap. 180, s. 44, that in *Cities and Towns, separate from the County*, the Council may pass a by-law providing for taking the assessment between the first day of July and the thirtieth day of September. In such case the Roll must be returned on the first day of October, and the final sittings of the Court of Revision take place on or before the fifteenth day of November, and then the final revision of the Roll takes place,

1st. Whenever the Court of Revision closes its sittings, provided there has been no appeal to it.

2nd. On the 21st day of November, if there has been an appeal to the Court of Revision, but none from it to the County Judge.

3rd. Whenever Judgment has been given by the County Judge, in case there has been an appeal to him from the Court of Revision.

Section 46, of the same Act, empowers County Councils to pass by-laws for taking the assessment in Towns, (presumably those not separate from the County), Townships and Incorporated Villages, between the 1st February and the 1st of July.

If such a by-law does not extend the time for taking the assessment beyond the 1st of May, the final revision is not affected by it. If it does extend such time to any day beyond the 1st of May, the final sittings of the Court must take place on or before the expiration of six weeks from such extended day ; and in such case the final revision of the Roll takes place,

1st. Whenever the Court of Revision closes its sittings, *if there has been no appeal to that Court.*

2nd. At the expiration of *forty-seven days* from the day to which the taking of the assessment has been extended, *if there has been an appeal to the Court of Revision, but none from it to the County Judge.*

3rd. Whenever Judgment has been given by the County Judge, in case *there has been an appeal made to him* from the Court of Revision.

It will be observed that while in former years the Court of Revision was obliged to hold its final sittings *on or before* the 1st of July, (that is when no by-law altering the time as above mentioned had been passed), it must now do so *before* the 1st of July; and whereas formerly appeals from the Court of Revision might be lodged up to and on the sixth day of July, they must now be lodged not later than the *fifth* day of that month.

SECT. III.—Immediately after the Clerk has made the said alphabetical list, and within thirty days after the final revision and correction of the assessment roll, the Clerk shall cause at least two hundred copies of said list to be printed (in pamphlet form where practicable), and forthwith shall cause one of such printed copies to be posted up, and to be kept posted up in some conspicuous place in his own office, and deliver or transmit by post, by registered letter, or by parcel or book post registered, three of such copies to each judge of the County Court of the County to which for judicial purposes the municipality belongs; and two copies to each of the following persons, that is to say:—

- a. Every member of the Municipal Council of the Municipality except the Reeve;
- b. The Treasurer thereof;
- c. The Sheriff of the County;
- d. The Clerk of the Peace;
- e. Every Postmaster in the Municipality;
- f. Every Head Master or Mistress of a Public or Separate school in the Municipality.

The Clerk is required to make the alphabetical list *immediately after* the final revision of the Roll; and *immediately after* making the alphabetical list, he is required to have the necessary two hundred copies printed. As he has both to make out his List and have it printed within the thirty days after the final revision of the Roll, it will be necessary for him to begin his work at the earliest possible moment, especially where, as is often the case in country municipalities, one office has to do most of the printing, and one List must be struck off before another is begun.

The Clerk should make two copies of the List, one for the printer and one to keep, so that if the former be lost or destroyed it will not be necessary to make it out afresh. The "proof" can then be corrected by the Clerk's own copy.

The Clerk, and not the printer, is responsible for the correctness of the List. Great care should, therefore, be taken in correcting the "proof," and a "revise" should always be required from the printer before the copies are struck off.

For the sake of convenience, if for nothing else, the printed Lists should be uniform in size and type. The paper *double demy*, and, for a dozen copies or so, at least, *number one*. The copies for the Judge must necessarily be of the best quality of paper, in order that the corrections to be made by him may be perfectly legible. The type, *Roman long primer*. The Act prescribes *pamphlet* form for the List, and there is no reason why it should not be so. Care should be taken to have it properly paged.

At least 200 copies should be printed; no Council has a right to direct the Clerk to have a *less* number printed.

As to the certificate to be endorsed on these copies, see Section 5; and as to further endorsement, see Section 6.

Immediately after receiving the printed copies, the Clerk is to post up one copy in a conspicuous place in his office, and to see that it is always kept there, replacing it by another, if necessary, from time to time.

And he is also, *forthwith*, to send the copies prescribed by this Section. *Three* copies to each Judge, Senior and Junior—these copies, as before remarked, to be on the best quality of paper.

As these copies are still allowed to be sent by *book post, registered*, it is believed that special instructions on this head have been sent to postmasters by the Department.

Clerks should be careful to obtain certificates of registration for everything sent by post.

As some Municipalities belong, for *judicial* purposes, to one County, and for *electoral* purposes to another, Clerks will observe that the copies required to be sent by this Section are to be sent to the officers of the former; those copies spoken of in Section 4, to the candidates for the representation of the latter.

“The Treasurer” of the *municipality*, not of the County.

SECT. IV.—The Clerk of the Municipality shall forthwith also deliver or transmit by post, by registered letter, or by parcel or book post, registered, ten of such copies to each of the following persons, that is to say:

- a. The Member of the House of Commons for the Electoral District in which the Municipality or any part thereof lies;
- b. The Member of the Legislative Assembly for the Electoral District in which the Municipality or any part thereof lies;
- c. Every candidate for whom votes were given at the then last election of a member for the House of Commons and for the Legislative Assembly respectively; and
- d. The Reeve of the Municipality.

Some Municipalities belong to one Electoral District for the Commons, and to another for the Legislative Assembly. Every unsuccessful candidate, for either House, at the then last elections, (if more than one vote has been cast for him), is entitled to ten copies.

SECT. V.—Upon each of the copies so sent to each person shall be a printed or written certificate (Form 2) over the name of the Clerk, stating that such list is a correct list of all persons

appearing by the last revised assessment roll of the Municipality to be entitled to vote at elections for members of the Legislative Assembly; and further calling upon all electors to examine the said list, and, if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law.

It is likely that Clerks will avail themselves of the permission to have printed certificates on the Lists. The *Form* given (No. 2) must be followed, and not the Section—the latter not containing all that is required by the former. If under his name, on this certificate, the Clerk, (in the case of Townships,) would give his P. O. address, it would supply information which every elector ought to have, in view of the possible complaint against the List.

SECT. VI.—The Sheriff shall immediately upon the receipt of his copies cause one of them to be posted up in a conspicuous place in the Court-House; the Clerk of the Peace, upon receipt of his copies, shall cause one of them to be posted in a conspicuous place in his office; every Public or Separate School Head Master or Mistress shall in like manner post up one of his or her copies on the door of the school-house; and every Postmaster shall post up one of his copies in his post-office.

It is suggested that on the outside front page of the List, this section be printed in full.

SECT. VII.—The Clerk shall also forthwith cause to be inserted in some newspaper published in the Municipality, or in case no newspaper is published in the Municipality, then in some newspaper published in the Municipality next thereto, or in the County Town, a notice (Form 3), signed by him, which shall state that he has delivered or transmitted the copies of said list as directed by this Act, and shall also mention the date of the first posting up of said list in his office. One insertion of such notice shall be sufficient.

The Clerk must be careful to comply with the requirements of this Section, lest any person, watching the newspaper where this notice ought to be, be misled, by not seeing it. If a newspaper is published in the Municipality, the notice must be published in it. If none is so published, then the notice must appear in a paper published either in a Municipality next the Clerk's, or in the County Town. If there is no newspaper published in any of the Municipalities next thereto, the notice must appear in some newspaper published in the County Town, notwithstanding that there are other newspapers published much nearer hand.

In copying out this notice, observe that the word "Section" in the third line, requires an "s" to be added to it, in order that Section 7 of the Act may be complied with.

A few copies of this newspaper should be obtained and preserved, as furnishing evidence thereafter, on the point.

SECT. VIII.—The said list of voters shall be subject to revision by the County Judge, at the instance of any voter or person entitled to be a voter in the Municipality for which the list is made, or in the Electoral District in which the Municipality is situate, on the ground of the names of voters being omitted from the list, or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to vote; and upon such revision, the assessment roll shall not be conclusive evidence in regard to any particular, whether the matter on which the right to vote depends had or had not been brought before the Court of Revision, or had or had not been determined by that Court; and the decision of the Judge under this Act, in regard to the right of any person to vote, shall be final so far as regards such person.

2. A complaint or appeal (Form 4) may be made on the ground of any person whose name is entered on the list being one of those who are disqualified or incompetent to vote under "*The Election Act.*"

This sub-section allows an appeal on the ground of a person disqualified under Chap. 10 being on the List. There is nothing to prevent the Clerk putting such a person on the List, and nothing to warrant him in leaving him off—neither in this Act, nor in "*The Election Act.*" It is true the latter Act forbids disqualified persons voting at elections for members of the Legislative Assembly under a heavy penalty, but it might possibly be that the person complained of, though disqualified when the complaint was lodged, might not be so at the time of the election.

A Clerk of a Municipality is forbidden to vote at Municipal Elections, except when his casting vote is required, but there seems to be no provision for an appeal against him if his name is on the List. If he should have ceased to be Clerk, at the time of the Municipal Election, there is nothing to prevent his voting at it.

3. If any person named as a voter in the said list has, before the final revision and correction of the assessment roll, parted with the property in respect to which his name was entered in the voters' list, the person to whom he has transferred the property, or who is in possession of the same, shall be entitled to apply (Form 5) to the Judge to be entered on the list instead of the person originally named therein; and the person who has parted with such property may apply to the Judge to be entered on the list in respect of any other property which he may have acquired in the Municipality and for which he has not been assessed, or in respect of income; and the proceedings to be taken in such case shall be the same as in cases of appeals under this Act.

This is a very useful provision, which prevents real estate from remaining unrepresented, where it has changed hands *before the final revision* of the Roll; allowing the purchaser in such case to be substituted on the List for the late owner, and permitting the latter to remain on the List if he can show other sufficient qualification.

4. Any person who is rated, or liable to be rated, on the assessment roll, for real property or income of the amount requisite to entitle him to vote, and who will be of the age of twenty one years at any time within sixty days from the final revision and correction of the assessment roll, shall be entitled to apply to the Judge to have his name entered upon the voters' list or upon the assessment roll and the voters' list, as the case may require.

This allows time for such person to become of age before an election could take place upon that List; for, in an election for the Legislative Assembly, the Voters' List to be used, must have been in the hands of the Clerk of the Peace for at least a month previous to the date of the writ for the election.

There is no such provision as regards Municipal Elections; but it is only in the case of Cities and Towns where a by-law has been passed extending the time for taking the assessment to the 30th September, that it is possible for an election to take place before a person so put on the List becomes of age. Though on the List he would not, of course, be entitled to vote, the Statute forbidding it.

5. A farmer's son entitled to be assessed under "*The Assessment Act*" shall, in all respects and for all purposes, have the right to apply and complain to the Judge on the revision of the voters' lists, and to have his name entered and inserted in the list in the same manner and with the same effect as if he were actually and *bona fide* a joint or separate owner, tenant, or occupant as the case may be, of the farm in respect of which he is entitled to be entered in the assessment roll.

This gives the right of appeal to any farmer's son whose name has been omitted from the Roll, either through his own neglect or the refusal of the Assessor—or from the Voters' List, though on the Roll.

SECT. IX.—Any voter or person entitled to be a voter making any complaint of any error or omission in the said list shall, within thirty days after the Clerk of the Municipality has posted up the said list in his office, give to the Clerk or leave for him at his residence or place of business, notice (Form 6) in writing of his complaint and intention to apply to the Judge in respect thereof; and if the office of Clerk is vacant by reason of death, resignation or from any other cause, such notice may be

given in like manner to the Head of the Council of the Municipality; and the proceedings thereafter by the Clerk, Judge, and parties respectively, and the respective powers and duties of the Judge, Clerk and other persons, shall be the same, or as nearly as may be the same, as in the case of an appeal from the Court of Revision; but no deposit shall be required to be made before any such complaint is heard or disposed of. (See Forms 7-12.)

"Any voter or person entitled to be a voter;" provided such person resides within the Electoral District in which the Municipality is situated.

The different forms of complaint are given in *Form 6* in the schedule, and Clerks should see that every complaint lodged corresponds, in substance at least, with the *Form*. Every such notice, (and, indeed, all letters and papers), should be endorsed by the Clerk with the date of the receipt by him. If there is no Clerk, such appeals must be lodged with the Mayor, Reeve, or other Head, for the time being, of the Council. No deposit is required from any complainant.

A minute book of *every transaction* connected with the Voters' Lists should be kept by every Clerk, just as he keeps the minutes of the Court of Revision. In this he should set down everything *from day to-day*, commencing with the final revision of the Roll, this being, as it were, the *era* from which everything following is dated—when List sent to printer—received back—posted up—distributed, &c. This book, when produced at the sittings of the Court, would be *prima facie* evidence of the performance by the Clerk of the several duties entered in it. In it should be set down, also, the decision given by the Judge on each appeal.

If any complaint in writing is lodged with the Clerk within thirty days from the first posting up of the printed List in his office, his first duty will be to report *forthwith*, that is, immediately after the expiration of the thirty days, to the Judge, all such complaints as have been received by him *within the thirty days*. The Form of this report is No. 7 in the schedule to the Act, and it should be sent by registered letter.

On receiving from the Judge his order (Form 8) as to the time and place of holding his Court for hearing these appeals, the Clerk is at once,

(1.) To post up, (at least six clear days beforehand), in his office, or at the place where the Council meets, a conspicuous notice in the Form (No. 9) given in the schedule. If the Council has been in the habit, (as is sometimes the case), of sitting at different places, this notice should be put up in the Clerk's office.

(2.) To advertise, (Form No. 10) at least ten clear days before the day appointed, in some newspaper published in the Municipality, or if there be no such paper, then in some newspaper published in the nearest Municipality in which one is published, the time at which said Court will be held.

Clerks will observe the difference between this requirement and that concerning the advertisement of first posting up the List in his office. In the latter case, if there is no newspaper published in the Municipality, or in some Municipality *next* to it, the advertisement must appear in some newspaper published in the County Town. In the case we are now treating of, if there is no newspaper published in the Municipality, nor in any *next* Municipality, the Clerk cannot go to the County Town if there is any other Municipality in which a newspaper is published, nearer than that.

This advertisement ought to appear in the first issue of the paper after the Judge's order is received, (if possible,) lest the loss of a week might interfere with the ten days required to elapse before the Court; and it should appear in every issue up to the day of Court.

II.—NAMES OBJECTED TO.

No.	No. on Roll.	Page on List.	Name.	Polling Sub-division.	Part of List.	Property.	Judgment.
4							
5							
6							

III.—CHANGES REQUIRED IN PROPERTY.

No.	No. on Roll.	Page on List.	Name.	Polling Sub-division.	Part of List.	Property on List.	Property as it should be	Judgment.
7								
8								

IV.—CHANGES REQUIRED IN NAMES.

No.	No. on Roll.	Page on List.	Name on List.	Name as it should be.	Polling Sub-division.	Part of List.	Property	Judgment
9								
10								

After the complaints are all entered, they are to be numbered consecutively, the first column being for that purpose. A corresponding number is then to be endorsed on the complaint itself, so that the position of each on the list may be seen at a glance.

The Clerk should take care that the necessary accommodation, &c., required for the sitting of the Court, is provided in good time. See section 13.

At the hour appointed by the Judge, the Clerk should have ready, (1) the Judge's List—(2) the Assessment Roll—(3) the minutes of the Court of Revision—(4) the "Voters' Lists Minute Book," (spoken of before,)—(5) some copies of the Voters' List—(6) all the complaints lodged—(7) the newspaper with notice of the Sittings; post-office receipts for copies of the List mailed; duplicates of the notices served; all letters and other papers relating to the business in hand; a Bible, and necessary stationery.

2. If the notice is given to or left for the Head of the Council, he shall perform or cause to be performed such necessary acts as should be performed by the Clerk if there were one.

Heads of Councils should bear this in mind; and it is suggested that the Judge should at once be notified of a vacancy in the office of Clerk, and also of the appointment of a new Clerk, giving his post office.

SECT. X.—Any party may obtain from the County Court a subpoena (Form 13), or from the County Judge an order, requiring the attendance at the Court for hearing complaints as aforesaid, at the time mentioned in such subpoena or order, of a witness residing or served with such subpoena or order in any part of this Province; and requiring any such witness to bring with him and produce at the Court any papers or documents mentioned in the subpoena or order; and every witness served with such subpoena or order shall obey the same, provided the allowance for his expenses, according to the scale allowed in Division Courts, is tendered to him at the time of service.

While, in a Division Court, a witness residing in any part of the Province out of the County in which such Court is situate, must be paid *Superior Court* fees, such a witness, when served with a subpoena to attend a Voter's List Court, need only be paid, or tendered, *Division Court* fees, whether he reside in or out of the County.

2. Any person complaining, or any person in respect of the insertion or omission of whose name a complaint is made, shall, if resident within the Municipality the list of which is the subject of complaint, or within the Municipality in which the Court is held, upon being served with a subpoena or order therein, obey the same without being tendered or paid any allowance for his expenses.

If any such person does *not* reside in either of the Municipalities mentioned, he is, of course, entitled to the same fees as any other witness.

3 If any person, whose right to be a voter is the subject of inquiry does not attend in obedience to such subpoena or order, the Judge, if he thinks fit, in the absence of satisfactory evidence as to the ground of such non-attendance, or as to the right of such person to be a voter, may, on the ground of the non-attendance of such person, strike his name off the list of voters, or refuse to place his name on the list of voters, as the case may require, or impose a reasonable fine on such person, according to his discretion, or do both.

Non-attendance by any such person summoned in the manner prescribed, is, if not satisfactorily explained, a sufficient reason for Judgment being given against him if the Judge thinks fit. As, however, a fine may, in addition, be imposed on the defaulter, it would be well for any person absenting himself, by reason of his not wishing to contest the case, to give notice in writing to the Clerk, before the Court, of any admission he may wish to make.

4. Any number of names may be inserted in one subpoena or Judge's order, in any case of complaint.

SECT. XI.—In case no complaint respecting such list is received by the Clerk of the Municipality, within thirty days after he has posted up the said list in his office, the said Clerk shall forthwith apply (Form 14), either in person or by letter, to the Judge to certify (Form 15) three copies of such list as being the revised list of voters for the Municipality; and the Judge shall retain one of such certified copies of the list, and deliver or transmit by post, registered, one of such certified copies to the Clerk of the Peace for the County or Union of Counties within which the Municipality lies, and one of such certified copies to the Clerk of the Municipality, to be kept by him among the records of his office.

If the Clerk make application by letter, he should register his letter, the better to ensure its safe transit. He may be called upon to prove on oath the contents of statements contained in his application, and to produce all papers and documents referred to in it, if the Judge thinks fit. In view of this, and of the possible consequences to him (in the shape of *costs*), should all the proceedings, owing to any neglect on his part, be afterwards set aside, he must needs be very careful to see that the statements in his application are all based upon facts.

When the Clerk receives from the Judge the certified copy of the List, he must carefully file it among the records of his office. As he may now, under "The Voters' Lists Finality Act," (see Section 10 of that Act), be called upon to submit it for the inspection of almost every one, increased care on his part is necessary.

SECT. XII.—In case complaints are made as aforesaid, immediately after the list has been finally revised and corrected by the Judge, the Judge shall make or cause to be made, and shall sign, a statement (Form 16) in triplicate, setting forth the changes, if any, which he has made in the list; and shall certify in triplicate (Form 17) a corrected copy of the list.

2 The Judge shall retain one of such certified copies and one statement, and shall deliver or transmit by post, registered, one of such certified copies and one statement to the Clerk of the Peace for the County or Union of Counties within which the Municipality lies, and one of such certified copies and one statement to the Clerk of the Municipality, to be kept by him among the records of his office.

The same remarks apply to this Section as to the last. In either case the Clerk should acknowledge the receipt of the List, by letter to the Judge. After it has been so certified to by the Judge, the Voters'

List is then for the first time to be considered as finally revised and corrected.

This final revision ought now, under the "Voters' List Finality Act," to take place within two months of the last day for making complaints against the List.

MISCELLANEOUS PROVISIONS.

SECT. XIII.—It shall be the duty of the Municipality within which a Court is holden, to provide some suitable and convenient place, properly furnished, heated and lighted for the holding of such Court, and in case such is not done the Judge may hold said Court at such other place in the County as he may deem proper; and if the same is held elsewhere than in the County Court-House, the proprietor or proprietors of the building in which it is held may recover from the Municipality which should have made such provision, the sum of five dollars for each and every day during which such building is used for the purposes of such Court. Any Court held in the County Town shall be held in the County Court-House, or in such other place in said County Town as the Judge may deem proper.

Default by a Municipality in complying with the requirements of this Section, not only renders them liable to a payment of five dollars for each day's sitting of the Court, but also entails on all those having business at such Court, unnecessary expense and trouble, if the Judge should, for instance, hold the Court in the County Town, no matter how distant from it the offending Municipality might be.

SECT. XIV.—In all proceedings before the Judge under this Act, the Judge shall have, with reference to the matters herein contained, all the powers which belong to or might be exercised by him in the County Court.

SECT. XV.—The Judge shall have power to appoint some proper person to attend at the sitting of the Court as a Constable or Bailiff; and the duties and powers of such person thereat shall be as nearly as may be the same as those of the Bailiff of a Division Court at a sitting of a Division Court and in reference thereto; and the expenses of the person so appointed and attending shall be borne by the Municipality the list for which is the subject of investigation, and shall include such allowance for loss of time, trouble and travelling fees as may be certified by the Judge to be reasonable; and the amount certified by the Judge shall be paid to such person by the Treasurer of the Municipality

upon the production and deposit with him of the Judge's certificate.

It is likely that Judges will appoint, where practicable, the Bailiff of the Division Court within the jurisdiction of which the Municipality is, as Bailiff of this Court. Being familiar with the duties that devolve upon such an officer, the business of the Court would thus proceed more expeditiously and smoothly than if one ignorant of those duties, (and so requiring constant prompting and direction by the Judge), were appointed. The allowance to this officer is now fixed at the sum of One Dollar and Fifty Cents for each day's attendance at the sittings of the Court—this to cover everything.

SECT. XVI.—The Clerk of every Municipality shall be subject to the summary jurisdiction and control of the County Judge in respect to the performance of his duty under this Act, and in respect to every act required to be performed by such Clerk touching the voters' list, in the same manner as officers of the County Court are to the Court; and the Clerk shall receive reasonable compensation for the services performed.

A Clerk under this is bound to obey all orders and instructions received from the Judge in connection with the revision of the Voters' Lists, being absolved, as it were, for the time being, from his allegiance to the Council who employ him.

The reasonable compensation he may be entitled to, (for all duties performed after the lodging with him of a complaint), in the absence of any compensation from the Council is now, by the "Finality Act," fixed at Three Dollars for each day's attendance at the sittings of the Court.

SECT. XVII.—If the Judge who holds a Court believes or has good reason to believe that any person or persons have contravened the twenty-seventh or thirtieth sections of this Act, or that frauds in respect to the assessment or the voters' lists have prevailed extensively in the Municipality, it shall be his duty to report the same to the Provincial Secretary, with such particulars as to names and facts as he may think proper.

Section 30 here referred to, has now, by section 14 of the "Finality Act," been extended so as to include "any person," as well as "any Assessor."

SECT. XVIII.—The Judge shall have power to amend any notice or other proceeding upon such terms as he may think proper.

A most reasonable provision, as giving the Judge an opportunity of getting at the merits of each case.

SECT. XIX.—If any appellant or complainant entitled to appeal dies or abandons his appeal or complaint, or having been on the alphabetical list made and posted by the Clerk as afore-

said is afterwards found not to be entitled to be an appellant, the Judge may, if he thinks proper, allow any other person who might have been an appellant or complainant to intervene and prosecute such appeal or complaint, upon such terms as the Judge may think just.

This prevents "colourable" appeals, so to speak. Without this provision a *friend* might lodge an appeal, and after putting others (who might, but for this action, have lodged an appeal,) off their guard, drop the appeal, after the time limited for lodging complaints had expired.

SECT. XX.—In case of errors being found in the said voters' list on the said revision thereof, whether such errors are in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote, if it appears to the Judge that the Assessor was blameable for any of the said errors, the Judge shall order (Form 18) the Assessor, either alone or jointly with any other person, to pay all costs occasioned by the same; and in case of errors for which the Clerk was to blame, the Clerk, either alone or jointly with any other person, shall be charged with the costs; and in case of errors of the Court of Revision, the Municipality shall, either alone or jointly with any person, pay the costs, subject to any claim which the Municipality may justly have against the guilty parties; or the Judge may order the Assessor, Clerk or Municipality in any such case, to pay the costs, if any party fails to recover the same from any other party named and ordered to pay the same; and, in all cases not herein provided for, the costs shall be in the discretion of the Judge.

This forces upon Clerks and Assessors the necessity of performing every duty required of them with the utmost care. A single slip may necessitate the expense and trouble (to every one who has to attend it) of holding a Court specially to correct this slip.

2. No costs shall be allowed on any proceeding under this Act, other or higher than would be allowed in the Division Court under the lowest scale of costs in actions therein.

3. The only costs to which an appellant shall be liable shall be the witness fees, unless in a case of bad faith on his part.

SECT. XXI.—The payment of any costs ordered to be paid by the Judge may be enforced by an execution (Form 19) against goods and chattels, to be issued from any County Court upon

filing therein the order of the Judge, and an affidavit showing the amount at which such costs were taxed and the non-payment thereof.

SECT. XXII.—If any person not assessed, or not sufficiently assessed, is found entitled to vote, the Municipality shall be entitled to recover taxes from him, and to enforce payment thereof by the same means and in the same manner as if he had been assessed on the roll for the amount found by the Judge; and the Judge shall make an order (Form 20), setting forth the names of the persons so liable, and the sum for which each person should have been assessed, and the land or other property in respect of which the liability exists, and such order shall be transmitted to the Clerk of the Municipality, and shall have the same effect as if the said particulars had been inserted in the roll.

This *supplementary* roll must not be forgotten when the Clerk is making out his Collector's Roll, and he must carefully preserve it among the records of his office.

SECT. XXIII.—The times appointed for the performance, by the Clerk of the Municipality, of the duties required of him by this Act, shall be directory only to the said Clerk; and the non-performance by him of any of the said duties within the times appointed, shall not render null, void or inoperative any of the lists in this Act mentioned.

This does not, however, excuse the Clerk from any unnecessary delay or neglect on his part in acting under this Statute. Proceedings to compel the performance of his duties may, under the section following, be taken against him, at the cost of such Clerk, *in addition to which* he is also (by Sect. 25) liable to a penalty of Two Hundred Dollars for each omission, neglect or refusal to perform any duty.

SECT. XXIV.—In case the Clerk of any Municipality fails to perform any of the duties aforesaid, the Clerk of the Peace shall forthwith apply (Form 21) summarily to the County Judge or the Junior or acting Judge of the County Court for the County within which such Municipality is situate, to enforce the performance of the same.

2. The application may also be made by any person entitled to be named as an elector on the list in respect of which the application is made.

3. The Judge shall, on such application, require (Form 22) the

Clerk of the Municipality, and any other person he sees fit, to appear before him and produce the assessment roll, and any documents relating thereto, or to the list in respect to which the application is made, 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 the purposes aforesaid.

4. 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.

5. Such proceedings and such order of the Judge shall not in anywise exonerate or release the Clerk from liability to the penalty hereinafter imposed.

SECT. XXV.—If any Clerk of a Municipality omits, neglects or refuses to complete the voters' lists, or to perform any of the duties hereinbefore required of him for his Municipality, such Clerk for each such omission, neglect or refusal, shall incur a penalty of two hundred dollars.

As even *inadvertence* renders a Clerk liable to this heavy penalty, care is doubly necessary in carrying out the provisions of this Act. A conviction under this Section, whether for *omission, neglect or refusal* calls for the full penalty, no option being allowed, which it would be, if the words were "*not less than two hundred dollars.*" Of course, to an injured party, the *result* is the same, whatever the cause may have been; but whether the rights of any one have been affected or not, the Clerk is still liable to the penalty, which *any one* may sue for.

SECT. XXVI.—If any Clerk of a Municipality, or Clerk of the Peace, or any other person wilfully makes any alteration, omission or insertion, or in any way wilfully falsifies any such certified list or copy, or permits the same to be done, every such person shall incur a penalty of two thousand dollars.

The penalty under *this* Section is ten-fold that under the previous one, and no *less* a penalty can be imposed after conviction; but here, the act must be *wilful*.

SECT. XXVII.—No person shall make, execute, accept or become a party to any lease, deed or other instrument, or become a party to any verbal arrangement, whereby a colourable interest in any land, house or tenement is conferred, in order to qualify any person to vote at an election; and any person violating the

provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall incur a penalty of one hundred dollars, and any person who induces, or attempts to induce another to commit an offence under this section, shall incur a like penalty. See also *Rev. Stat. c. 10, s. 170.*

SECT. XXVIII.—The penalties mentioned in the three next proceeding sections may be recovered with costs of suit by any person suing for the same in any Court of competent jurisdiction.

SECT. XXIX.—To prevent the creation of false votes, where any person claims to be assessed, or claims that any other person should be assessed, as owner or occupant of any parcel of land, or as possessing the income which may entitle him to vote in the Municipality at an election and the Assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, it shall be the duty of the Assessor to make reasonable enquiries before assessing such person.

The warning here given to Assessors might seem to come rather late, as all their duties are finished long before the Clerk's duties under this Act commence, were it not that this Section is repeated *verbatim* in "The Assessment Act." (*Rev. Stat. chap. 180, s. 40.*)

The propriety of its insertion here will be evident when we come to consider the section following.

SECT XXX.—Any Assessor who wilfully and improperly inserts any name in the assessment roll, or who assesses any person at too high an amount, with intent in either case to give to any person not entitled thereto an apparent right of voting at any election, or who wilfully inserts any fictitious name in the assessment roll, or who wilfully and improperly omits any name from the assessment roll, or assesses any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine be paid, or to imprisonment in the Common Gaol of the County or City, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court.

The word "improperly" will cover a case of disobedience to Section 29,

and make that disobedience punishable in the manner here pointed out. Section 14 of "The Voters' Lists Finality Act" extends the provisions of this Section to "any person." In a case of this sort, the fine is to be one "not exceeding two hundred dollars." A lesser fine may therefore be imposed if the justice of the case require it.

SECT. XXXI.—The Clerk of the Peace and the Clerk of any Municipality having the custody of the list of voters of any Municipality or part of any Municipality or place, shall furnish a certified copy of such list, then last revised and corrected, or of any of the parts thereof, to any person who may require such copy or part, on being paid for the same by such person at the rate of four cents for every ten voters whose names are on such list or part: the said officers may furnish printed copies, for each of which they shall be entitled to receive six cents instead of the fee aforesaid; and the officers shall verify any alterations made therein, by writing their initials in close proximity thereto. If the alterations or interlineations exceed one hundred, it shall be the duty of the said officers to furnish written copies.

The Clerk of the Municipality will, of course, have the custody of all copies of the List not made use of, though they belong to the Municipality. It is presumed that leave would be given to the Clerk to make use, under this Section, of such copies, for which, apart from this, there would be no use.

The "alterations or interlineations" made in respect to one hundred voters, whether made in either the name, the property or description of any voter, or in all three of them. If made in respect of all three, it would still count only as a single alteration. The words are "alterations or interlineations." The intention, however, clearly is to make written copies necessary, if the alterations and interlineations, together, exceed one hundred. The officer's initials must appear opposite interlineations as well as opposite alterations.

Under this Section Clerks of Municipalities are entitled to the same fees as Clerks of the Peace, for supplying copies of the List to persons requiring them; but this does not apply to the copies delivered to their deputy Returning Officers, under Section 128 of "The Municipal Act"—for these no charge is authorized.

2. For each copy of the voters' list, or of any of the parts thereof furnished to the Returning Officer, according to Form 8 in Schedule A. to "The Election Act," or according to Schedule C. to 'The Municipal Act,' the Clerk of the Peace furnishing the same shall be entitled to receive the sum of six cents for every ten voters whose names are on such list or part as the case may be.

In elections for Members to the Legislative Assembly, every Returning Officer, after granting a Poll, is directed to procure from the Clerk of the Peace, for each sub-division, a copy of the proper List of Voters, according to Form 8 in Schedule A to that Act, certified by the Clerk of the Peace to

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be correct. This copy is to contain only Parts I. and III. for that sub-division. As this Form contains other matter besides the actual copy of the List, a sum of six cents for every ten names is allowed to the Clerk of the Peace, instead of the four cents he is entitled to, when a copy of the List only is required.

In *Municipal Elections* every *Clerk of a Municipality* is required to furnish to each of his Deputy Returning Officers, a copy, according to the form prescribed, of the proper List of Voters. This copy is to contain only Parts I. and II. for that particular polling sub-division or ward. Such copies may be prepared by the Clerk himself, or he may procure them from the Clerk of the Peace, who will be entitled to the same fees as above, namely, six cents for every ten names.

SECT. XXXII.—The Board of County Judges may, if requested so to do by the Lieutenant-Governor, frame Rules and Forms of procedure for the purpose of better carrying this Act into effect; and such Rules and Forms shall, after being approved of by the Lieutenant-Governor in Council, have the same effect and force as if they formed part of this Act.

It is possible that other Forms may be required, but the schedule given in the Act seems to provide for every possible contingency, and the Forms there given must prove of the greatest possible benefit to Clerks, saving them the labor of *thinking* them out for themselves.

SECT. XXXIII.—The words Householder (H), Freeholder (F), and Tenant (T), appearing on the assessment roll pursuant to the Assessment Act, shall, for the purposes of this Act, be held to also mean respectively Occupant (Oc.), Owner (O), or Tenant (T), and shall be so entered in the voters' list by the Clerk of the Municipality. *See Rev. Stat. c. 180, s. 18.*

As before stated, the words "Occupant," "Owner" and "Tenant," should appear *in full* in the proper column. This Section is no authority for using "Oc.," "O.," and "T." The Form given in the Schedule has the above words in full, and it should be closely followed.

SECT. XXXIV.—In carrying into effect the provisions of this Act, the forms set forth in the Schedule hereto may be used, and the same or forms to the like effect shall be deemed sufficient for the purposes mentioned in the said Schedule.

"To the like effect;" this is an authority for diverging from the Forms given, where it is necessary to do so: where it is not, Clerks will be expected to copy the Forms in the schedule, even at the risk of any improvement they might be able to make in them being lost.

SCHEDULE OF FORMS.

FORM 1.

(Section 2.)

FORM OF VOTERS' LIST.

Voters' List, 18

Municipality of

POLLING SUB-DIVISION No. 1, COMPRISING, &c.,

(Giving the limits.)

PART I.—Persons entitled to vote at BOTH Municipal Elections and Elections to the Legislative Assembly.

No. on Roll.	Name.	Lot.	Con. or Street.	—
6	Anderson, Henry.....	N. W $\frac{1}{2}$ 6	3	Owner.
14	Andrews, John.....	Wly. 14 acres 8	1	Tenant.
1	Archer, James.....	2	6	Income.
50	Brown, Simon.....	W $\frac{1}{2}$ 9	2	Occupant.
71	Burton Samuel.....	E $\frac{1}{2}$ 17	4	See Sub-divs on No.
	&c.	&c.	&c.	&c.

PART II.—Persons entitled to vote at Municipal Elections ONLY.

No. on Roll.	Name.	Lot.	Con. or Street.	—
4	Archer, Henry.....	4	3	Owner.
82	Burke, Edmund.....	W $\frac{1}{2}$ 17	4	Farmer's Son.
	&c.	&c.	&c.	&c.

PART III.—Persons entitled to vote at Elections to the LEGISLATIVE ASSEMBLY ONLY.

No. on Roll.	Name.	Lot.	Con. or Street.	—
43	Ackroyd, James.....	N $\frac{1}{2}$ 3	4	Tenant.
8	Ames, Joseph.....	3	7	Owner.
	&c.	&c.	&c.	&c.

POLLING SUB-DIVISION No. 2, COMPRISING, &c.,

(Giving the limits.)

PART I—Persons entitled to vote at BOTH Municipal Elections and Elections to the Legislative Assembly.

No. on Roll.	Name.	Lot.	Con. or Street.	
18	Akers, Dan.....	8	4	Farmer's Son. Householder. &c.
40	Brown, Ezekiel.....	13	7	
	&c.	&c.	&c.	

PART II.—Persons entitled to vote at Municipal Elections ONLY.

No. on Roll.	Name.	Lot.	Con. or Street.	
120	Heap, Uriah.....	12	4	Tenant. Freeholder. &c.
42	Phazackerly, Hezekiah.....	3	7	
	&c.	&c.	&c.	

PART III.—Persons entitled to vote at Elections to the Legislative Assembly ONLY.

No. on Roll.	Name.	Lot.	Con. or Street.	

POLLING SUB-DIVISION No. 3, COMPRISING, &c.,

(Giving the limits.)

&c. &c. &c.

FORM 2.

(Section 6.)

CERTIFICATE TO BE ENDORSED ON VOTERS' LIST.

I, A. B., Clerk of the Municipality of _____, in the County of _____, do hereby certify that parts one and three of the within (or above) list constitute a correct list for the year 18____ of all persons appearing by the last revised Assessment Roll of the said Municipality to be entitled to vote at Elections for Members of the Legislative Assembly; and that parts one and two constitute a correct list for said year of all persons appearing by the said roll to be entitled to vote at Municipal Elections in said Municipality; and I hereby call upon all electors to examine the said list, and if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law.

Dated this _____ day of _____ A. B.,
Clerk of _____ P. O.

FORM 3.

(Section 7.)

CLERK'S NOTICE OF FIRST POSTING OF VOTERS' LIST.

Voters' List, 18____—Municipality of the _____ of _____
County of _____

Notice is hereby given, that I have transmitted or delivered to the persons mentioned in the third and fourth sections of "The Voters' Lists Act," the copies required by said section to be so transmitted or delivered of the list, made pursuant to said Act, of all persons appearing by the last revised Assessment Roll of the said Municipality to be entitled to vote in the said Municipality at Elections for Members of the Legislative Assembly and at Municipal Elections; and that said list was first posted up at my office, at _____, on the _____ day _____, 18____, and remains there for inspection.

Electors are called upon to examine the said list, and, if any omissions or any other errors are found therein, to take immediate proceedings to have the said errors corrected according to law.

Dated, &c. _____ A. B.,
Clerk of the said Municipality. _____ P. O.

FORM 4.

(Section 8, Sub-sec. (2).)

VOTER'S NOTICE OF COMPLAINT ON GROUND OF DISQUALIFICATION.

To the Clerk of the Municipality of the Town _____ of _____
I, Angus Bell, a voter (or "a person entitled to be a voter") in the said

Municipality (or "for the Electoral District in which the Municipality is situated"), complain that the name of *John Jack* is wrongly entered in the Voters' List for the said Municipality, he being a person disqualified under the section of "The Election Act." And take notice, that I intend to apply to the Judge in respect thereof, in pursuance of the statute in that behalf.

Dated the _____ day of _____ 18 .

ANGUS BELL,
Residence—Township of York.

FORM 5.

(Section 8, Sub-sec. 3.)

NOTICE AND APPLICATION BY VOTER TO WHOM PERSON ASSESSED HAS TRANSFERRED PROPERTY.

To the Clerk of the Municipality of the Town _____ of _____

I, *Luke Doran*, a person entitled to be a voter in the said Municipality, complain that the name of *Peter Short* is wrongly inserted in the Voters' List for the said Municipality, he having before the final revision and correction of the Assessment Roll transferred to me the property in respect to which his name is entered on the said List (or "parted with the property in respect to which his name is entered on the Voters' List, and that I am in possession of the same"): And take notice, that I intend to apply to the Judge to have my name entered on the said List, instead of the said *Peter Short*, pursuant to the provisions of the statute in that behalf.

Dated the _____ day of _____ 18 .

LUKE DURAN.

FORM 6.

(Section 9.)

VOTER'S NOTICE OF COMPLAINT.

To the Clerk of the Municipality of the Town _____ of _____

I, *James Smith*, a voter (or "person entitled to be a voter") for the Electoral District of _____, in which the said Municipality is situated, complain (state the names of the persons in respect to whom complaint is made, and the ground of complaint touching each person respectively—or set forth in lists as follows, varying according to circumstances), that the several persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the said Municipality, as shown in said list, but are wrongfully omitted from the Voters' List: That the several persons whose names are mentioned in the first column of the subjoined list No. 2 are wrongly stated in the said Voters' List, as shown in said list No. 2:—That the several persons whose names are set forth in the first column of the subjoined list No. 3 are wrongfully inserted in the said Voters' List, as shown in said list No. 3:—and that there are errors in the description of the property in respect to which the names respectively are entered on the Voters' List (or stating other er-

rors), as shown in the subjoined list No. 4:—And take notice that I intend to apply to the Judge in respect thereof, pursuant to the statute in that behalf.

Dated the _____ day of _____ 18 _____

JAMES SMITH,

Residence—Township of *Beby*.

List of Complaints mentioned in the above Notice of Complaint.

LIST No. 1 (*showing voters wrongfully omitted from the Voters' List,*)

NAMES OF PERSONS.	GROUND ON WHICH THEY ARE ENTITLED TO BE ON THE VOTERS' LIST.
James Tupper.....	Tenant to John Fraser, of N. $\frac{1}{2}$ lot 1, 2nd Con.
Simon Beauclerk....	Owner in fee of N. W. $\frac{1}{2}$ lot 6, in 8th Con.
Angus Blain.....	Assessed too low—property worth \$

LIST No. 2 (*showing voters wrongly named in Voters' List.*)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	THE ERRORS IN STATEMENT UPON VOTERS' LIST.
Joshua Townsend...	2	1	Should be <i>Joseph</i> Townsend.
John McBean.....	4	1	Should be John McBean <i>the younger</i> .
S. Connell.....	3	2	Should be <i>Simon</i> O'Connell. &c. &c.

LIST No. 3 (*showing persons wrongfully inserted in the Voters' List.*)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	STATEMENT WHY WRONGFULLY INSERTED IN VOTERS' LIST.
Peter White..	4	1	Died before final revision of roll.
John May....	3	2	Tenancy expired—left the country.
David Walters	2	2	Assessed too high, property worth under \$ &c. &c.

LIST No. 4 (*showing voters whose property is erroneously described in Voters' List, &c.*)

NAMES OF PERSONS	POLLING SUB-DIVISION.	PART OF LIST.	ERRORS IN RESPECT TO PROPERTY OR OTHERWISE STATED.
Stephen Washburn	2	1	Name should be in Subdivision No. 2.
Thomas Gordon	2	1	Property should be W. $\frac{1}{2}$ lot 7, in 3rd Con.
Ronald Blue.....	4	2	Should be described as owner, not tenant.

FORM 7.

(Section 9.)

CLERK'S REPORT IN CASE OF APPEALS AND COMPLAINTS TO THE JUDGE.

To His Honor the Judge of the County Court of the County of _____

The Clerk of the Municipality of _____ states and reports that the several persons mentioned in column 1 of the Schedule below, and no others, have each given to him (or "left for him at his residence or place of abode," as the fact may be) written notice complaining of errors or omissions in the Voters' List for the said Municipality for 18____, on the grounds mentioned in column 2 of the said Schedule, and that such notices were received respectively at dates set down in column 3 of the said Schedule.

Dated, &c.

A. B.,

Clerk of the said Municipality.

_____ P. O.

Schedule.

1. NAMES OF COMPLAINANTS.	2. ERRORS OR OMISSIONS COMPLAINED OF.	3. DATE WHEN NOTICE OF COMPLAINT RECEIVED BY CLERK.

FORM 8.

(Section 9.)

JUDGE'S ORDER APPOINTING COURT FOR HEARING COMPLAINTS AND APPEALS.

To _____, Clerk of the Municipality of the

Upon reading your Report and notification respecting the Voters' List for the said Municipality for 18____, pursuant to the statute in that behalf, I appoint the _____ of _____ 18____ at the hour of _____ at _____ in the said County, for holding a Court to hear and determine the several complaints of errors and omissions in the said Voters' List, of which due notice has been given.

You are constituted Clerk of the Court.

You will advertise the holding of such Court, and post up in your office or the place in which the Council hold their sittings a list of all complaints of errors and omissions in the said Voters' List; and you will notify all parties concerned according to law.

Let the Assessor for the Municipality attend the sittings of the said Court, and let the original Assessment Roll of the Municipality for 18____, and the minutes of the Court of Revision for the Municipality for 18____, be produced before me or the acting Judge, on the day and at the place above mentioned.

Dated _____ day of _____ 18____

_____ Judge Co. Court, Co. of _____

FORM 9.

(Section 9.)

NOTICE TO BE POSTED BY CLERK IN HIS OFFICE WITH LIST OF COMPLAINTS.

Notice is hereby given, that a Court will be held, pursuant to "The Voters' Lists Act," at _____ on the _____ day of _____ 18____, at _____ o'clock, _____ for the purpose of hearing all complaints made against the Voters' List for the Municipality of _____ for 18____, particulars of which complaints are shown in the subjoined Schedule.

All persons having business at the Court are hereby required to attend at the said time and place.

Dated, &c.

A. B.,
Clerk of the said Municipality.

Schedule.

NAME OF PARTY COM-PLAINING.	NAME OF PERSON IN RESPECT TO WHOM APPEAL WAS MADE.	GROUNDS OF COMPLAINT ALLEGED.

FORM 10.

(Section 9.)

CLERK'S ADVERTISEMENT OF COURT IN NEWSPAPER.

Notice is hereby given, that a Court will be held, pursuant to "The Voters' Lists Act," by His Honor the Judge of the County Court of the County of _____ at _____ on the _____ day of _____ 18____, at _____ o'clock, _____ M., to hear and determine the several complaints of errors and omissions in the Voters' List of the Municipality of _____ for 18____.

All persons having business at the Court are required to attend at the said time and place.

Dated, &c.

A. B.,
Clerk of the said Municipality.

FORM 11.

(Section 9.)

CLERK'S NOTICE TO PARTY COMPLAINING.

The Voters' Lists Act.

You are hereby notified that, pursuant to the Statute in that behalf, a Court for the Revision of the Voters' List, 18____, for the Municipality of _____, will be held by the Judge (or acting Judge) of the

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County Court of the County of _____, at _____, on the _____ day of _____, 18____, at _____ o'clock, _____ M., at which Court all complaints duly lodged of any error or omission in the said List will be heard and determined. A list of said complaints is posted up in _____ and you are hereby required to be and appear at such Court; and take notice, that the Judge may proceed to hear and determine the complaints, whether the parties complaining appear or not.

By order of His Honor the Judge of the County Court of the County of _____

Dated _____ day of _____ 187____.

To _____
A person complaining of error in the said Voters' List. } Clerk of the Municipality of _____, and constituted Clerk of said Court.

FORM 12.

(Section 9.)

CLERK'S NOTICE TO PARTY COMPLAINED AGAINST.

"The Voters' Lists Act."

You are hereby notified that, pursuant to the Statute in that behalf, a Court for the Revision of the Voters' List, 18____, for the Municipality of _____, will be held by the Judge (or acting Judge) of the County Court of the County of _____, at _____, on the _____ day of _____, 18____, at _____ o'clock, _____ M., and you are required to appear at the said Court, for that _____ has complained that your name _____ is wrongly inserted in the said Voters' List ("because," &c., state matter of complaint concisely). A list of all complaints lodged is posted up in _____; and take notice, that the Judge may proceed to hear and determine the said complaint, whether you appear or not.

By order of His Honor the Judge of the County Court of the County of _____

To _____
Entered on said Voters' List.

A. B.,
Clerk of the said Municipality, and constituted Clerk of the said Court.

FORM 14.

REPORT OF CLERK WHEN APPLYING FOR CERTIFICATE UNDER SECTION 11.

To the Judge of the County Court of the County of _____

I, _____, Clerk of the Municipality of _____, in the said County of _____, do hereby certify as follows:

That I did, on the _____ day of _____, 18____, post up, and for a period of thirty days next thereafter keep posted up, in a conspicuous place in my office at _____, a true and correct printed copy of the Voters' List for the said Municipality of _____ for 18____,

made in pursuance of "The Voters' Lists Act," with the certificate required by section five of the said Act endorsed thereon.

That I did also duly deliver and transmit by post, by registered letter (or, "by parcel post registered," or, "by book post registered"), the required number of similar printed copies of the said Voters' List, with my certificate endorsed, to each and all of the persons entitled to the same under sections three and four of said Act.

That I did on the _____ day of _____, 18____, cause to be inserted in the newspaper called the "_____" published in _____, the notice required by section seven of the said Act.

That no person gave me nor did I receive any written notice of complaint and intention to apply to the Judge or Junior or acting Judge of the County Court of said County of _____ in respect to the said Voters' List within thirty days after I, the said Clerk, had posted up the said List in my office, as directed by the provisions of the said Act.

And that to the best of my knowledge and belief, I have complied with the several requirements of the said Act, so as to entitle me to apply for certified copies under the eleventh section of the said Act; and I do hereby, in pursuance thereof, now apply to you the said Judge to certify three of the copies of the said List received by you as being the Revised List of Voters for the Municipality of the said _____ of _____ for the year of our Lord 18____.

Witness my hand this _____ day of _____ 18____;

Clerk of the Municipality of _____

P. O.

FORM 15.

(Section 11.)

CERTIFICATE OF NO COMPLAINTS

County of _____

A. B., Clerk of the Municipality of the _____ of _____, having certified under his hand that no complaint respecting the List of Voters for said Municipality, for the year 18____, had been received by him within thirty days after the first posting up of the same; and on application of the Clerk,

I, _____ Judge of the County Court of the County of _____ in pursuance of the provisions of "The Voters' Lists Act," certify that the annexed printed List of Voters, being one of the copies received by me from the said Clerk, under section three of the said Act, is the Revised List of Voters for the said Municipality for the year 18____.

Given under my hand and seal, at _____, this _____ day of _____, 18____.

Judge.

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FORM 17.

(Section 12.)

CERTIFICATE OF JUDGE.

I, _____, Judge of the County Court of the County of _____ pursuant to the twelfth section of "The Voters' Lists Act," do hereby certify that the above (as the case may be) is a corrected copy of the List of Voters, for the year 18____, received by me from the Clerk of the Municipality of the _____ of _____, according to my revision and correction thereof, pursuant to the provisions of the said Act.

Dated at _____, this _____ day of _____, 18____.

Judge,

FORM 18.

(Section 20.)

ORDER FOR PAYMENT OF COSTS.

The Voters' Lists Act.

In the matter of the Voters' List for the Municipality of _____ 18____, and of the complaint and appeal to the Judge of the County Court of the County of _____, by A. B., complaining of the name of C. D. being wrongly inserted in the said List, (or, as the case may be, stating in brief the nature of the complaint).

On proceedings taken before me, pursuant to the said Act, I find and adjudge that the name of the said C. D. was rightly inserted in the said List, (or, "was wrongly inserted in the said List"), and order that the said A. B. do pay the said C. D. his costs occasioned by the said complaint (or, "and order that the said C. D. shall pay the said A. B. his costs incident to the said complaint,"—or, "and order that E. F., the Assessor of the said Municipality, being blameable for such wrong insertion, do pay the said A. B. his costs incident to the said complaint,"—or, as the order may be, stating it in brief), said costs to be taxed pursuant to the said Act.

Dated at _____, this _____ day of _____, 18____.

Judge.

N. B.—It has not been thought necessary to give all the Forms—but only those likely to be required by Clerks.

THE VOTERS' LISTS FINALITY ACT.

41 VICT., CHAP. 21, (ONT.)

By SECTION THREE of this Act (just passed,) it is declared that every Voters' List, which was during the twelve months next prior to the passing of the Act, or might thereafter be, certified by the County Judge, should, upon any scrutiny, be final and conclusive evidence of the right of all persons named therein, to vote at any election at which such list was or could have been legally used : except

- (1) Persons guilty of corrupt practices, &c.
- (2) Non-residents, disqualified under "The Election Act."
- (3) Persons on the List for income only who have not paid the Municipal tax on such income, as required by Section 7 of "The Election Act."
- (4) Persons disqualified under Sections 4, 5 and 6 of "The Election Act."

SECT. IV.—Notwithstanding anything in this or any other Act contained, any voters' list based upon the assessment roll of any municipality for the year one thousand eight hundred and seventy-seven, shall, at the instance, and upon the complaint of any person entitled either to be entered on said list, or to vote or be a voter in the electoral district in which said Municipality is situate, be still subject to be revised and corrected by the County Judge to the extent and in the manner and upon and for all or any of the grounds mentioned in section eight and the sub-sections of section eight of "The Voters' Lists Act ;" and with respect to and upon the hearing and determination of any such complaint, none of the provisions of section three of this Act shall

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apply, nor shall any decision of the County Judge heretofore made, either under "The Voters' Lists Act," or any other Act, in regard to the right of any person to vote be, for any purpose whatsoever, considered or taken as final or conclusive; Provided always, that no such complaint shall be made or permitted under this section with respect to the right of any person to vote or to be entered on the voters' list, where such right has at any past revision of such list been enquired into and expressly decided by the County Judge.

SECTION 5 provides,

(1) That any such complaint must be lodged on or before the Fifteenth day of May next (1878.)

(2) That within five days after said 15th of May the County Judge is to be notified of all complaints lodged, and that all such complaints be heard and determined, and the List finally revised, corrected and certified before the 15th day of July next (1878.)

(3) That, at the Court for hearing such complaints, the copy of the list and any statement of changes therein, theretofore certified by the Judge, or certified copies of them, are to be produced by the Clerk or other proper officer.

From a consideration of these Sections it will be seen that an appeal against any Voters' List based upon the Assessment Roll of 1877 may still (subject to the provisions of Section 4 above), be lodged by any person competent to do so under Section 8 of "The Voters' Lists Act," up to, and on, the 15th of May next.

Such person must proceed under Section 9 of "The Voters' Lists Act."

Immediately after the 15th of May, if any complaint against his List has been lodged, the Clerk is to proceed exactly in the manner indicated in the notes to Section 9 of "The Voters' Lists Act," (see page 13).

Under this Act, however, the time for sending in the Clerk's Report is limited; for it should be received by the Judge not later than the 20th of May. The 18th falling on a Saturday, a Clerk has three clear days to make up, and mail, his Report, which is to be according to Form 7 of "The Voters' Lists Act." Prompt action by the Clerk is here necessary, inasmuch as all Lists complained against must be revised and certified by the Judge within eight weeks from the 20th of May.

After the Clerk receives from the Judge his order for holding the necessary sittings, he is to proceed exactly in the same way as if the complaints to be tried had been lodged under Section Nine of "The Voters' Lists Act."

The VOTERS' LIST last certified by the Judge, and the STATEMENT (under Section 12 of "The V. L. Act.") delivered to the Clerk therewith, are to be produced by him at the sittings of the Court. Should either of them have been lost or mislaid, a certified copy must be obtained from the Clerk of the Peace.

SECTION 6 provides that after he has certified the List so revised, the Judge shall make the Statement required by Section 12 of the V. L. Act, according to Form 16 in the Schedule thereto, carrying out the provisions of that Section in everything.

This List, so revised and certified, will then supersede any prior list, except in the case of an Election the writ for which is dated prior to the transmission or delivery of such revised List and Statement to the Clerk of the Peace.

SECTION 7 enacts that any List revised and certified under this Act, and actually delivered or transmitted to the Clerk of the Peace before the date of the writ for an Election shall be considered to have been delivered or transmitted to such Clerk at least one month before the date of such writ.

If the date of such writ is prior to such delivery or transmission, then the List revised and certified under this Act cannot be used.

SECTION 8 declares it to be the duty of the County Judge hereafter to make such provisions as shall ensure the revision and certifying of the List, within two months of the last day for making complaints against the same.

SECTION 9 declares that any Farmer's Son entitled as such to be assessed, shall be so assessed, without any request by him, unless he notifies the Assessor to the contrary: and that any person entitled to be entered on the Assessment Roll, or on the Voters' List based thereon, shall have the same right to apply to have such Farmers' Son so entered, as he himself would or could have personally; unless it is made to appear to the Judge that such Farmer's Son dissents therefrom.

SECT. X.—Any voter, and any person entitled to be a voter, and any agent of such voter or person, shall have liberty at all reasonable times and under reasonable restrictions, to inspect and take copies of, or extracts from assessment rolls, notices, complaints, applications, and other papers and proceedings necessary or of use for the carrying out of the provisions of "The Assessment Act," "The Voters' Lists Act," and this Act; and the Clerk of the Municipality is to afford for the said purposes all reasonable facilities which may be consistent with the safety of the said documents, and the equal rights and interests of all persons concerned, and shall in regard to the matters aforesaid be subject to the directions and summary jurisdiction of the County Judge.

It behoves Clerks to be very careful in carrying out the provisions of this Section, as they are responsible in all cases for the safe keeping of official documents. The following line of action may reasonably be adopted: "A voter or person entitled to be a voter" must appear to be entered either on the last revised List or the last Assessment Roll. From these only can the Clerk be satisfied as to who is "entitled to be a voter."

An agent ought to show his authority, *in writing*, from the voter he claims to represent; such authority as he would be required to produce if acting as an agent at an election.

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The Clerk should, in his *Minute Book*, enter the name of every person availing himself of the provisions of this section, what papers produced to him, and the date of such inspection. Papers and books should be produced one at a time—one to be given up before another is produced: and it would be a matter of prudence to examine each after its return, to see that it has not been tampered with. By these means only can he afford such "reasonable facilities" as are "consistent with the safety" of such documents.

SECTION 11 provides means for obtaining from the Court of Appeal or a Judge thereof, an opinion on any question arising, or likely to arise, either under this Act or "The Voters' Lists Act," and it is enacted "to facilitate uniformity of decision without the delay or expense of appeals."

SECTION 12 directs that Clerks of the Peace and Clerks of Municipalities shall furnish copies of List to Returning Officers in four days after written application therefor.

SECTION 13 provides for the production of ballot papers on a re-count.

SECTION 14 extends the provisions of Section 30 of "The Voters' Lists Act" to any person as well as Assessor.

SECT. XV.—Where it is provided by any by law or contract under which the Clerk of any municipality is appointed or employed, that the sum to be paid him by way of salary as such clerk is intended expressly or impliedly to include payment for any duties which as such clerk and under "The Voters' Lists Act" are to be performed by him upon and after the lodging with him of any complaint or appeal under said Act, then such Clerk shall not in respect of such duties be entitled to or be allowed by the County Judge, nor shall there be taxed to him, any fee, payment, cost or charge whatsoever; but when it is not intended by such by-law or contract to provide for compensation for the performance of such last-mentioned duties, then such Clerk shall be entitled in respect thereof to the following but to no other fee or compensation, that is to say:

1. To the sum of three dollars for each day's attendance on the sittings of the court for the revision of the voters' lists; and
2. To the actual and reasonable disbursements necessarily incurred by him in serving the notices of complaint or appeal when served by himself.

This of course removes any doubt that existed as to the meaning of "reasonable compensation" under Section 16 of "The Voters' Lists Act," and gives no discretion to the Judge in the matter.

SECT. XVI.—The person acting as constable at the sittings of the court for the revision of any voters' lists shall as such constable be entitled to the following but no other fees or compensation; that is to say:

1. The sum of one dollar and fifty cents for each day's attendance as such constable;
2. For the service of any process or notice including the service, the receipt and the return thereof and all other services connected therewith when allowed by the Judge a sum not exceeding ten cents per mile one way for each mile actually and necessarily travelled to effect such service.

SECTION 17 provides for the payment of the compensation under Sections 15 and 16 by the Municipality whose List is in question.

It has not been deemed necessary to say anything except as to those sections of the above Act which affect Clerks of Municipalities, for whom these "Suggestions" are chiefly intended. A reference is advised, if necessary, to the Act itself, for those sections not given above in full.

*Copies can be had of the Publishers at 30c. each, or
\$3.00 per dozen, post paid.*

*Also on hand, copies of the Pamphlet "Informa-
tion for Assessors."*
