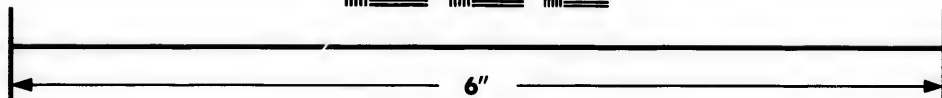
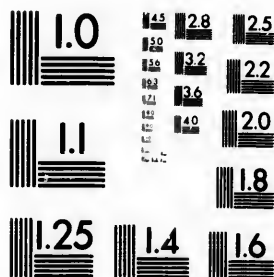


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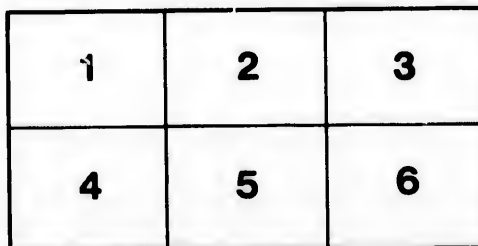
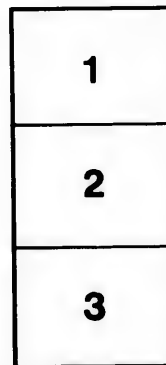
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EXTRACT FROM THE CHARTER

OF THE

CITY OF MONTREAL

CONCERNING

MUNICIPAL ELECTIONS.



MONTREAL

1874.

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EXTRACT

From the Act to revise and consolidate the Charter of the City of Montreal and the several Acts amending the same. (37th Vic., cap. 51, passed on the 28th January 1874).

MUNICIPAL ELECTIONS.

35. (This section provides the time and manner in which the nomination of candidates shall take place, the day fixed for such nomination being the *fifteenth* *February*. In all cases where, but one candidate is proposed, the party is at once proclaimed by the alderman presiding to be duly elected. If there be more than one candidate proposed, an election is held as herein after provided). Nomination of candidates

36. The board of revisors hereinbefore established, shall make the necessary arrangements for the election of mayor and aldermen; and for that purpose they shall meet between the fifteenth and twentieth days of February, to fix and determine the number of polls, and the places where the same are to be held in the several wards wherein the election is to take place; and in doing so the said board shall be regulated by the number of qualified voters in each electoral district, the number of voters at each poll to be as near three hundred as possible; the said board shall select and, by a commission under the hand of its chairman, and countersigned by the city clerk, appoint a returning officer and a poll clerk for each polling place to be held for the said election; the said board shall also cause books to be prepared for each polling place in which shall be taken and recorded the votes of the electors. Board of revisors to make arrangements for election.

37. 1. When a poll is granted for the election of the mayor, the voting shall take place in all the wards of Election-how held?

the city, and when a poll is granted for the election of an alderman, the voting shall take place in the ward for which the poll has been granted; the voting for the election of mayor and aldermen, as aforesaid, shall take place on one and the same day, that is to say: on the first day of March, in each year, at the places, and before the returning officers to be appointed as hereinafter provided; the polls shall be opened at nine o'clock in the morning, and shall be closed at five o'clock in the afternoon; and six days at least prior to the voting, the city clerk shall give notice of the time and place where, and the names of the returning officers before whom the said voting shall be held, specifying at the same time the boundaries of each electoral district, as previously fixed and determined by the assessors as aforesaid, the said notice to be published in at least two English and two French newspapers in the city, and to be posted, by means of printed placards, in the ward or wards wherein the election is to take place: on the day fixed for holding such poll, each elector shall present himself at the polling place at which he is entitled to vote, and as each elector votes, his vote shall be recorded in the poll book by making the figure 1 opposite the voter's name in the column at the head of which appears the name of the candidate for whom the elector shall have voted;

Mode of recording the votes.

2. Each returning officer shall, at the polling place kept by him in conformity to this Act, record or cause to be recorded in such poll book as aforesaid, and in the order in which they shall be given, the votes of the electors voting at such polling place, by entering therein the name, surname, legal addition of each elector so voting, and by showing by the insertion of the word "owner," or "tenant," in the said poll book, whether it is as a proprietor or as a tenant, that such elector claims the right of voting at such poll; and when any elector has taken the oath required of him by this Act, the returning officer shall state in the poll book that such oath was taken by the elector, by entering after the name of such elector, a mark to that effect in the proper column in the said poll book;

As to electors sworn.

Returning officers to certify each

3. Each returning officer shall write in full at the head of each page of the poll book used by him, the

number of such page, and certify the same by his signature as follows: "page number one, (or two, or as the case may be,) A. B., returning officer," and he shall certify in full words at the foot thereof, (before entering any name or vote in the next succeeding page) the first and last name and total number of names entered therein, and shall then sign the same, which certificate shall be to the effect following: "I certify that the total number of names entered on this page as voters, is

, whereof the first name is C. D., and the last name is E. F.—Signed A. B., returning officer ;"

4. In every case where the vote of any person is objected to by any candidate or his agent, the returning officer shall enter the objection in his poll book by writing after the name of the voter, in the column for objections, the words "objected to" only mentioning at the same time by which candidate, or on behalf of what candidate the objection has been made, by adding after the words "objected to" the name only of such candidate.

38. Upon the demand of any candidate, or his duly authorized agent, or any duly qualified elector in the said city, the returning officer shall administer to any voter the oath (in the form hereunto annexed): if the voter refuse to take the said oath, the word "refused" shall be written opposite his name, and he shall not be allowed to vote; if the voter take the oath, the word "sworn" shall be written opposite his name, and his vote shall be received and registered.

39. In the event of the decease, or absence from illness or otherwise, of any returning officer or poll clerk appointed as aforesaid, or his refusal to act, power is given to the city clerk to appoint a substitute to perform the duties of the returning officer or poll clerk so absent.

40. As soon as a poll shall have been granted for any ward in the said city, the city clerk shall prepare or cause to be prepared copies of the voters' list last made and revised for each electoral district of such ward, sub-dividing the same alphabetically according to the

page of poll book.

Votes objected to; how to be distinguished in poll book.

Oath may be demanded of voter.

What? in case of absence of returning officer or poll clerk.

City clerk to prepare copies of voters' lists for the returning officers.

number of polling places, fixed and determined, and the number of voters assigned to each polling place, as aforesaid; the city clerk shall certify each of the said copies as being a correct extract from the voters' list for such electoral district, and shall transmit the said copies to the respective returning officers appointed to preside at the election in such ward.

Returning officers and poll clerks to be sworn.

41. The returning officers and poll clerks appointed as aforesaid shall take and subscribe, before the mayor or any alderman of the said city, the oath according to schedule annexed to the said Act; and of their having taken such oath there shall be delivered to them respectively by the city clerk a certificate in the form prescribed in the said Act.

Bribery at elections.

42. 1. The following persons shall be held to be guilty of bribery, and liable to the penalty hereinafter imposed for such offence :

What constitutes a case of bribery.

2. Any elector who will at any time before, during, or after any municipal election in the said city, ask or take any money or reward, by way of gift, loan or other device, or agree or contract for any money, gift or office, employment or other reward whatsoever, to give or forbear to give his vote at any such election; or any candidate at such election, or any other person who, by himself or by any one employed by him, shall, by any gift, reward, promise, agreement or security, corrupt or offer to corrupt any elector to give or forbear to give his vote at any such election;

Idem.

3. Any elector who, by way of gift, loan, reward, promise or other device, shall procure or undertake or endeavour to procure the return of any candidate at any municipal election in the said city;

Idem.

4. Any person who shall receive any money, gift, reward or promise, by way of carriage hire or for loss of time, in giving his vote, or who shall accept an exorbitant price for any merchantable article as consideration for his vote or for abstaining to vote at any municipal election in the said city;

Idem.

5. Any candidate or other person who shall engage or hire any licensed carter for the purpose of carrying voters to the polls; or any licensed carter who, for

money, or for any gift, reward, promise or other device, shall let his carriage, sleigh, or other vehicle, to any candidate or other person, for the purpose of carrying voters to the polls at any such election.

43. Any person offending against any of the provisions of the next preceding section, shall, for every such offence incur a fine of fifty dollars to be recovered, with full costs of suit, by any one who shall sue for the same in the recorder's court; and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall forever forfeit his right to vote at any municipal election in the said city, or to be elected mayor or alderman of the said city for a term of three years. Penalty.

44. All votes given in violation of any of the foregoing provisions shall be null and void. Votes nullified.

45. On or before the last day of December, every year, the clerk of the recorder's court shall transmit to the city clerk a list of the names of all parties who may have been convicted before the said court during the year, under the foregoing provisions; and it shall be the duty of the city clerk to submit the said list to the board of revisors, when they meet to revise the voters' list as herein before provided. Clerk of Rec. Court to report names of parties convicted.

46. Every inn or tavern licensed for the sale of spirituous or fermented liquors, in the ward or wards of the said city, in which an election is held as aforesaid, shall be closed during the time the polls are kept opened, under a penalty of one hundred dollars against the keeper of such tavern if he neglects to close it, and under a like penalty if he sells or gives any spirituous or fermented liquors or drinks as aforesaid, pending such election. Taverns to be closed during election.

47. The said returning officers shall, during the election at which they are appointed to preside, be conservators of the peace, and invested for the maintenance of the peace, for the arrest, detention or admission to bail, trial and conviction of any person who breaks the Returning officers to be conservators of the peace.

law or troubles the peace, with the same powers with which justices of the peace are invested in this province; and for the maintenance of the peace and good order at such election, each such returning officer may require the assistance of any justice of the peace, constable and other persons present at the election, to aid him in so doing; and each such returning officer, may arrest or cause to be arrested by verbal order, and may place in the custody of one or more constables, or other persons, for such time as in his discretion he deems expedient, any person disturbing the peace and good order, or may cause such person to be imprisoned for any such offence, under an order signed by him, until the close of the poll; which order, whether given verbally or in writing, all persons shall obey without delay, under a penalty, for any refusal or neglect so to do, of twenty dollars; no such arrest, detention or imprisonment shall in any manner exempt the person so arrested, detained, confined or imprisoned, from any pains or penalty to which he has become liable by reason of anything by him done contrary to the true intent and meaning of this Act.

At the close of the poll, votes to be counted.

48. Immediately after the close of the polls in each ward, as aforesaid, the returning officers shall respectively count and add up in the poll books the number of votes taken and recorded in favor of each candidate voted for at such polls, and shall make and subscribe before the mayor or any alderman of the said city, the oath in the form prescribed in the said Act; which oath shall be annexed to the said poll books respectively; and immediately thereafter the said returning officers shall return the said poll books to the city clerk.

Successful candidates declared.

49. After the closing of the polls, on the first day of March, as aforesaid, the board of revisors shall meet in the City Hall, at the hour appointed by the notice for its assembling, to be previously given by the city clerk, and shall have all the said poll books brought before them; the said board shall then and there ascertain the total number of votes given to, and recorded in the whole of the said books, for each candidate for the office of mayor or alderman (as the case may be, (and shall

report the same to the said council at its next monthly meeting; and the said council shall, at such meeting declare the person having the greatest number of votes for the office of mayor, to be elected mayor of the city of Montreal, and the person having the greatest number of votes for the office of alderman in each ward, to be elected alderman of the said city; and in case of equality of votes in respect of either of the said offices of mayor or alderman, the said council shall determine and decide which of the said persons having the said equality shall be elected; the said poll books shall remain in the office and custody of the city clerk, where they shall be open to inspection by any elector upon the payment of twenty-five cents. Custody of poll books.

50. The fees hereinafter mentioned, and no other, shall be allowed to each returning officer and poll clerk, for his services at any election as aforesaid, that is to say: to the returning officer, four dollars; to the poll clerk, two dollars. Fees.

51. If any person, after having received a commission as returning officer or poll clerk as aforesaid, shall neglect or refuse to perform any official act or duty required of him, for carrying out the foregoing provisions, or if any person appointed returning officer or poll clerk as aforesaid, shall fail in the performance of any of the duties hereinbefore assigned to him, or shall not fulfil the said duties in a faithful and impartial manner, such person shall be liable to a fine or penalty of five hundred dollars to be recovered before the recorder's court. Penalty.

52. Whensoever it may happen that from any cause whatsoever an election for a member of the council of the said city shall not take place for any ward of the said city at the time fixed therefor by law, or appointed therefor by the mayor of the said city, it shall be lawful for the said mayor, as soon thereafter as expedient, to appoint a day for the nomination and another for holding such election, and the said election shall be held in the manner hereinbefore prescribed. Mayor to fix a day for election in certain cases.

SCHEDULE.

Oath of Voters.

You swear (or solemnly affirm) that you are (name, residence and occupation of voter, as entered on the list) whose name is entered on the list of voters now shown to you (showing the list to the voter), that you are of the full age of twenty-one years--that you have not before voted at this election, and that you have not received anything, nor has anything been promised to you, either directly or indirectly, in order to induce you to vote at this election. So help you God.

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