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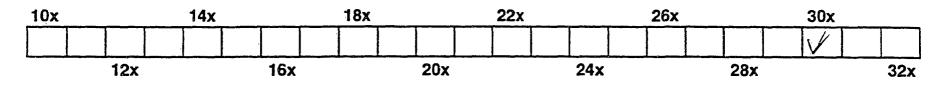
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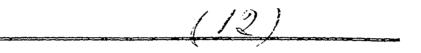
An Act to authorise the People of the several Counties of Upper Canada to elect certain of their local Officers.

Received and read first time, Monday, 18th . September, 1854.

Second Reading, Monday, oth October, 1854.

M. FOLEY.

QUEBEC : PRINTED BY JOHN LOVELL, MOUNTAIN STREET.



BILL.

An Act to authorize the people of the several Counties of Upper Canada to elect certain of ther local Officers.

DE it enacted, &c., as follows: The qualified Municipal Electors of Municipal the respective Wards, Townships, Villages, Towns, and Cities of Up- Electors of per Canada, shall, in the year of our Lord, one thousand eight hundred and shall elect the fifty-six, and in every third year thereafter, at the times and places fixed by Sheriffs, Clerks 5 Law for the Election of Township, Village, Town and City Councillors, of the Prace elect for each of the several Counties and unions of Counties of Upper anthoward Canada aforesaid, a Sheriff, a Clerk of the Peace, and a Registrar of Deeds, when Wills, and other Instrumens requiring to be recorded; and such Elections shall be held and conducted in the mode and manner and by the same

10 officers and persons as the Election of Township, Village, Town and City Councillors is or hereafter may be lawfully held and conducted.

II. The officers and other persons holding and conducting such Elections Returns of in the said Counties and Unions of Counties respectively, shall immediate- such Elections in the said Counties and Unions of Conucles respectively, shan indirectate- to be inade to ly after the close thereof, inake true returns of such Elections and forth with the County

15 transmit the same with the poll books kept by them, verified on oath or Clerks. affirmation, to be taken before any Justice of the Peace in the said Counties and Unions of Counties respectively, and such Justices are hereby empowered to administer such oath or affirmation to the Clerks of the said Counties and unions of Counties respectively in which such Elections shall

20 have been held, and within three days after the receipt of the said respective returns and poll books; it shall be the duty of the said several County Nonice by Clerks. and they are hereby respectively required to give notice in writing such Clerks to to the Wardens and Treasurers of the said Counties and Unions of Counties Wardens and Treasurers. respectively, of the receipt by them, the said Clerks, of the said respective 25 returns and poll books.

III On the sixth day after the receipt of the said respective returns and Examination poll books by the said County Clerks, it shall be the duty of the said War- of PoulBooks, dens, Treasurers, and County Clerks, and they are hereby required to meet &o. at the County Towns of the said several Counties and Unions of Counties

- 30 respectively, for the purpose of examining the said returns and poll books, and after due and impartial examination of the same, to sum up and ascertain by the same for whom respectively of the Candidates at the said Elections, the largest number of legal votes shall have been cast in the said Wards, Townships, Villages, Towns, and Cities respectively, as shall appear
- 85 by the poll books of the same, and to declare the persons duly elected to the said Offices respectively, who shall by the said poll books appear to Declaration of have the majority of the votes cast in the said Counties and unions of persons elect-Counties respectively, and the persons so declared to have been duly elected, shall thereupon on the eleventh day after the said Election, assume, have,
- 40 take, hold, and enjoy all the rights, powers, and emoluments appertaining to the said Offices respectively, and be subject to all the duties, penalties, and forfeitures thereto attaching; and the said County Clerks shall, and A182

Transmission they are hereby required, forthwith to transmit the said returns and pollof Poll Books, books with the certificates in writing endorsed thereon or thereto attached &c. to Regis-trars's office. of the said Wardens, Treasurers and Clerks respectively, that they have duly examined, and correctly and impartially summed up the said Returns, to the offices of the Registrars of the said Counties and Unions of Counties 5 respectively, there to remain of record for the inspection and examination of such of the inhabitants of the said Counties and Unions of Counties, respectively, as shall demand or require to inspect or examine them; and the said Registrars are hereby required to receive, keep and exhibit the same in their said offices in the same manner as other instruments are 10 received, kept, and exhibited by them.

Appeal to the County Judge allowed, and on what conditions, &c.

Hearing on such appeal.

Judgment.

Admission to office of successful Candidate.

Proviso.

IV. The said returns and poll-books shall be subject to the enquiry, determination and judgment of the Judges of the County Courts respectively, in the Counties and Unions of Counties in which such elections shall have been respectively held on the complaint of ten or more legally qualified 15 electors of the said Counties or Unions of Counties respectively of an undue election or false return or summing up, five of which said electors shall before being permitted to proceed with the said complaint take or subscribe an oath or affidavit (which oath or affirmation any Justice of the Peace or Commissioner for taking affidavits in either of the Superior Courts of Law 20 for Upper Canada in or for the said Counties and union of Counties in which such election shall have been held, is hereby authorised to administer) setting forth that the facts contained in such complaint are true to the best of their knowledge and belief; and the said Judges respectively, shall within one calendar month after the filing of the said complaint with them, pro- 25 ceed upon the merits thereof, giving first, or causing to be given, to all the parties interested, at least six clear days notice of the time and place of the hearing of the said complaint, and causing the party complaining to furnish the party complained against with true copies of the affidavits and other papers filed, at least three days before such hearing; and within ten days 30 after such hearing, the said Judges respectively shall finally, determine concerning the said complaint according to good conscience and as justice and right shall require, and certify to the County Clerk of the County or Union of Counties in which such election shall have been held, the Judgment of the said Judges and in whose favor such contested election shall have terminated, 35 and the Judge shall thereupon issue his writ to the Sheriff of the County (or to one of the Coroners of the County when the Sheriff is a party interested) directing that the party in whose behalf the said judgment shall have been given, be admitted to the office to which he has been elected, and that the party failing in the matter of such complaint shall pay to the opposite party 40 all the costs and expenses of the said contested election, which costs and expenses shall be in the discretion of the Judge; and the said Sheriff or Coroner, as the case may be, shall and he is hereby required forthwith to proceed to the execution of the said writ as thereby he shall be directed : Provided always, that such complaint shall be made within ten days after 45 the declaration aforesaid shall have been made by the said Wardens, Treasurers and Clerks respectively.

V. The said officers respectively, may appoint deputies, who in the ab-Elected Officens may ap- sence of their principals respectively, or in case of vacancies in the point deputies. said offices respectively, or of any disability of the said officers respectively to 50 perform the duties of their said offices, may perform the same until such vacancies be filled or such disability be removed.

VI. In case any of the said offices shall, before the regular periods of Vacancies occurring het-woon Ele tons. election as prescribed by this Act become vacant, or in case any of the said

officers shall from any cause be incapable of discharging the duties of his how to be office, the County Councils of the said Counties or Unions of Counties respore. pectively may, if in their judgment the interests of the County require it. by a majority of their number select suitable persons to perform the duties

5 of such offices respectively, and such persons so selected may perform such duties until such vacancy be filled in the manner hereinafter appointed or until such disability be removed.

VII. When vacancies shall arise in any of the said offices by the resigna- Election for tion, death, or removal from office of any of the said officers between the filling any 10 regular periods of elections as fixed by this Act, the County Clerks of the such vacancy. said several Counties and Unions of Counties respectively, shall immediately notify the Wardens of the said Counties respectively in writing of such vacancy having taken place, and the said notice shall specify the cause of such vacancy, the name of the officer in whose office it occurred, and the time

15 when his term of office will expire.

VIII. The said Wardens respectively on receiving the said notices in the How the Elecnext preceding section of this Act directed to be sent to them respectively shall tion for filling forthwith cause notices in writing, signed by them the said Wardens respectively shall be called tively, and attested by the said County Clerks, respectively, to be delivered and held.

- 20 to the Township; Village, Town, and City Clerks of the said Counties and Unions of Counties respectively, in which such vacancy shall have occurred, which notices shall contain in substance the notices so received from the said County Clerks; and the said Wardens shall at the same time give at least two weeks notice in writing to be delivered to the Township, Village,
- 25 Town, or City Clerks of such Municipality of the holding of an election to supply such vacancy, fixing by the said notice last mentioned two consecutive days for the holding of the said election at the place at which the last meeting was held for the election of local officers, and the said Wardens shall also cause such notices of the time, place and object of such election
- 30 to be inserted in all the newspapers published in the said County or Union of Counties and be posted up in at least three of the most public places in each of the said Townships, Villages, Towns and Citics, for at least ten days before such election.

IX. All the provisions of this Act relating to the General Election of the Provisions as 35 officers herein provided to be elected, shall apply to every election held by to General virtue hereof to supply vacancies, and the person or persons elected thereto shall assume the duties and continue to hold the office to which he shall be to apply to shall assume the duties and continue to hold the office to which he shall be Special Elecelected, as if he or they had been elected at the preceding January election. tions.

X. If any of the Wardens, Clerks, Treasurers, or other officers required Penalty for 40 by this Act to perform any duties under or by virtue of its provisions, shall meglect of neglect or refuse so to do without just cause therefor, he or they shall for- by this Act. feit to the use of the County or union of Counties in which such offence shall be committed, a sum of money not less than one hundred nor more than five hundred pounds, to be recovered in any of Her Majesty's Supe-

45 rior Courts of Law in Upper Canada, on the complaint of any person who may see fit to prosecute for the same.

duties imposed