

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x			14x			18x			22x			26x			30x																				
12x						16x						20x						24x						28x						32x					

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

BILL.

An Act to amend the electoral law of this Province to provide for the registration of the electors, and for voting by ballot at the election of the representatives of the people in the Legislative Council and Assembly of this Province.

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

Second reading, Monday, 12th April, 1858.

HON. MR. CAUCHON.

TORONTO :
PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to amend the electoral law of this Province to provide for the registration of the electors, and for voting by ballot at the elections of the representations of the people in the Legislative Council and Assembly of this Province.

WHEREAS it is expedient to provide in the electoral law of this Province, for the registration of persons qualified to vote at the election of members of the Legislative Council and Assembly of this Province, and for voting by ballot at such elections: Therefore Her Majesty, &c., enacts as follows: Preamble.

I. The words "Municipal Council" in this Act shall be understood to mean the municipal corporation or the municipal body constituted in each city, town, village, parish or township of this Province, in accordance with the provisions of the laws which in each section of this Province regulate the incorporation of the different municipal bodies now existing or which shall hereafter exist by virtue of such laws. Interpretation.

II. The word "Municipality" in this Act shall mean the territory comprised within the limits assigned to any municipal corporation, and also all portions of territory not comprised within the limits of a parish or municipality, which have been annexed to a municipality for election purposes. Interpretation.

III. The word "Clerk" when used in this Act shall mean the person entrusted under the municipal law of each municipality with the keeping of the registers, minutes, documents and papers of the municipal council, unless there be something in the context inconsistent with this interpretation. Interpretation.

IV. The word "Electoral Division" shall mean any division, ward or portion of a municipality in which the electoral law permits a poll to be held. Interpretation.

V. The words "Electoral College" shall mean any county, or other territorial division having by virtue of the statutes 16 Vic., ch. 152; 18 Vic., ch. 76; 19 and 20 Vic., ch. 140, the right of returning one or more members of the Legislative Council or Assembly of this province. Interpretation.

VI. The word "Assessor" in this Act shall signify the person by law appointed in each municipality to make and prepare the valuation or assessment roll of the taxable property in accordance with the laws governing such municipality. Interpretation.

Inconsistent enactments repealed. VII. All Acts or parts of Acts contrary to this Act or containing provision incompatible with the provisions of this Act are hereby repealed.

TITLE I.

Of the Electoral Lists.

- Alphabetical list of electors. VIII. Within _____ days after the passing of this Act, each municipal council shall cause to be made and prepared by the assessors an alphabetical list of the persons within the municipality duly qualified to vote at elections of members of the Legislative Council and Legislative Assembly of this province. 5
- Its name. IX. This list shall be permanent and shall be called *the electoral list* of the municipality. 10
- Separate list for each ward, &c. X. If any municipality be divided for election purposes into electoral divisions or wards, in order to facilitate the voting, the electoral list shall be separate and distinct for each division or ward, and shall contain in alphabetical order the names of the persons in each such division or ward who shall be qualified to vote. 15
- What it shall contain. XI. The electoral list shall state ;
1. The Christian and surname, age, profession, occupation or trade and place of residence of each elector
 2. Whether he is a proprietor or a tenant, and how long he has been such. 20
 3. If the elector be a proprietor, the yearly income from his property, and if he be a tenant, the amount of the annual rent which he pays.
 4. Whether he is a British subject or an alien.
- Where deposited. XII. When the list is completed the assessors shall deposit it in the office of the clerk of the municipality. 25
- Public notice of deposit. XIII. Within _____ days after the deposit of the list, the clerk shall give notice of such deposit in the form to this Act annexed and shall cause the same to be posted up and published in the manner and at the place prescribed or generally used for publishing municipal notices in the municipality. 30
- Objects to the list. XIV. Within _____ days after the date of the notice, any elector who shall have been omitted, or with regard to whom the assessors shall have given an incorrect return, may, either in person or by his duly authorised attorney, file his complaint in writing together with documentary evidence in support thereof, in the office of the clerk, and any elector may in like manner and form, demand that the names of electors not qualified be struck off the electoral list. 35
- Hours of office. XV. During the period mentioned in the next preceding section, the clerk's office shall be kept open every day (Sundays and obligatory holidays excepted), from ten o'clock in the forenoon until four in the afternoon. 40

- XVI. The clerk shall give to the party complaining or to his attorney, an acknowledgment of the filing of the complaint and the number of documents filed in support thereof, with the date when the same were filed. Acknowledgment of filing of objection.
- 5 XVII. He shall endorse and enter all complaints and documents in support thereof which shall be filed in his office; and he shall enter in a book to be kept for that purpose, the names of the parties complaining, and the cause of complaint in the order in which such complaints shall be received, and according to a series of numbers to be adopted by him. Entry of objections.
- XVIII. No complaint shall be received by the clerk after the period fixed by section 14 shall have expired. Period limited.
- XIX. The clerk shall forthwith lay before the Municipal Council the complaints and documentary evidence filed with him. To be laid before the Council.
- 15 XX. The Municipal Council shall try and determine such complaints in the manner and form prescribed for their proceedings; and to facilitate them in so doing, they may order the production of any title deeds and papers which they shall consider necessary, if those produced by the complainant be found insufficient. Council to decide thereon.
- 20 XXI. The Municipal Council shall decide such complaints without delay, and shall hold special meetings for that purpose, until all such complaints shall have been disposed of. Sittings for that purpose.
- XXII. When the complaints shall have been tried and determined, the municipal council shall direct the clerk to place on the electoral list the names of the electors whose claims shall have been admitted, or to strike off the names of electors not duly qualified, or to make such corrections in the said list as may be demanded and allowed as reasonable, and to prepare the electoral list as amended. Corrected list to be made.
- 25 XXIII. The clerk shall cause a certain number of alphabetical copies of the electoral list to be printed. Copies to be printed.
- XXIV. At every election, two days at least before the day of voting, he shall provide a number of copies certified by him, equal to the number of polling places appointed by law to be held in the municipality. A copy for each polling place.
- 35 XXV. The said lists shall be furnished by the clerk to the Deputy Returning Officers. To whom to be given.
- XXVI. If within the period fixed by section XIV no complaint be filed, the Clerk shall cause the list to be made and printed in the manner provided for in section XXIII. If no objections are made.

TITLE II.

Revision of the Electoral List.

Yearly revision of the lists.

XXVII. Between the of and the in each year, the Municipal Council shall cause the electoral list to be revised by the assessors.

Object of such revision.

XXVIII. The object of such revision shall be to determine—

1. The number of electors deceased since the drawing up or last revision of the electoral list ;

2. The number of persons who have become electors since the drawing up or the last revision of the electoral list ;

3. Changes of residence on the part of qualified electors ;

4. The number of electors who were qualified at the time of the drawing up or the previous revision, but who shall be found disqualified at the time when a revision of the electoral list shall be made ;

5. The names of the electors who were omitted when the electoral list was drawn up or at the time of the previous revision ;

6. And also the particulars required by section XI.

Deposit of the corrected list.

XXIX. The assessors shall deposit the result of their labour in the office of the Clerk, who shall, in the manner prescribed by section XIII and in the form annexed this Act, cause to be published the names of the electors whom the assessors shall propose to strike off the electoral list, or to insert thereon.

If no objection be made to it.

XXX. If within the period limited by section XIV no complaint be deposited in the manner required by the said section, against any proposed erasure or insertion, the Municipal Council shall direct the clerk to make such erasure or insertion.

If any objection.

XXXI. When complaints are filed, the Municipal Council shall act in accordance with the provisions contained in sections XX, XXI, XXII.

Electors may file objections at the time of any revision.

XXXII. Any elector who may have neglected to file a complaint concerning the omission of his name in the electoral list, or with regard to whom incorrect statements shall have been entered in the said list, or who shall be aware that any person has been unlawfully entered in the said list, may in any year at the time of the revision of the list, and within the period limited by section XIV, file his complaint in the manner provided for in the said section.

How determined.

XXXIII. The Municipal Council shall determine such complaint in the manner provided for by sections XX, XXI, XXII.

Notice to the party interested.

XXXIV. Before determining any complaint having for its object to erase the name of any person from the electoral list, the Municipal

Council shall serve a copy of the said complaint on the person interested, and requiring him to file proof of his qualification in the clerk's office within days from the date of such service.

XXXV. The said notice and order shall be signed by the Clerk, and shall be served on the party interested, by an assessor or other person thereunto empowered by the Clerk, by leaving a copy of the said notice at the dwelling of the party. Service of such notice.

XXXVI. In the matter of complaints resulting from the revision of the electoral list, the Clerk shall act in conformity with the provisions of this Act relating to complaints under the original list. Proceedings when objections are filed.

XXXVII. The duties imposed by this Act shall be performed by all or any number of, or by one of the assessors, in case several have been appointed in a municipality : when only one assessor has been appointed, the duties imposed by this Act shall be performed by him alone. Where there is more than one assessor.

TITLE III.

Appeal from the decision of the Municipal Council.

XXXVIII. Any person who shall deem himself aggrieved by the decision of the Municipal Council may within days after such decision shall have been given, appeal therefrom to the Superior Court having civil jurisdiction within the Municipality. Delay for appeal to the Superior Court.

XXXIX. The appeal shall be made in the form of a simple petition setting forth the grounds of appeal, and may be presented either in or out of term, or in vacation, to one of the judges of the Court, who on presentation of the petition shall grant the appeal. Form of appeal, &c.

XL. The appeal being granted, the appellant shall give sufficient security in the sum of for payment of the costs of appeal. Security to be given.

XLI. The bond shall be in the form in use in the Court in which the appeal shall be brought. Form of bond.

XLII. The appellant shall afterwards serve a copy of the petition and of the leave to appeal granted by the judge, on the clerk of the Municipality, together with a notice stating that it is his intention at a certain place, on a certain Court day, to present his petition to the said Court, for the purpose of obtaining judgment in the premises. Notice of the appeal.

XLIII. In case the ground of appeal is the rejection by the Municipal Council of the complaint of an elector demanding the erasure of the name of a person entered in the electoral list, the appellant shall cause the said person to be notified in the manner required by the preceding section. If the case be one where the erasure of the name is demanded.

XLIV. The service required by the two preceding sections shall be made in accordance with the law or rules of practice, which regulate the service of process in the Court in which the appeal shall have been brought. How the notice shall be served.

- Transmission of the complaint, &c., to the Court appealed to. XLV. Immediately after service of the petition, the Clerk of the Municipality, shall without delay transmit to the Clerk of the Court to which the appeal is made the complaint and the evidence in support thereof, together with a certified copy of the decision of the Municipal Council in the matter of the said complaint. 5
- Hearing and judgment. XLVI. On the day of the return of the petition before the Court, the Court shall with consent of the parties or of the appellant if the other parties fail to appear, appoint a day for hearing the matter, and shall on such day determine the matter as to law and right may appertain with costs taxed. 10
- Judgment to be final. XLVII. The judgment of the Court shall be final and conclusive.
- Costs of appeal. XLVIII. The party who shall have obtained judgment in his favor may recover the amount of the costs incurred by him in the manner in which costs of appeal in civil matters may be recovered in the section of the province wherein the decision of the Court which shall have 15 heard the appeal has been given.

TITLE IV.

Time when elections shall take place.

- All writs of election to issue on the same day. XLIX. For the future, when a general election of members of the Legislative Assembly shall take place, from any cause whatsoever, the writs of election shall all issue on the same day, which shall be the day after the expiration or dissolution of a Parliament. 20
- When they must reach the Returning Officer. L. They shall be in the hands of the different Returning Officers on the day after they shall have been issued.
- Nomination day. LI. The nomination of candidates shall take place in all the Electoral Colleges on the day after the day of the issuing of the writs, or on the following day, if the day be a Sunday or 25 legal holiday.
- When the polling shall begin. LII. In all Electoral Colleges in which a contest shall occur, the polling shall commence on the day after the nomination of candidates, or on the following day, if the day be a Sunday 30 or legal holiday.
- Return of the writs. LIII. The writs shall all be returnable on the day after the day for the nomination of candidates, and on the following day, if the day be a Sunday or legal holiday.
- Holidays. LIV. Sundays and holidays of obligation are included in the intervals named in the five preceding sections. 35

TITLE V.

Electoral Lists.

- No poll in a municipality. LV. If at the time of an election of members to represent the people in the Legislative Council or Assembly, one or more Municipal Coun-

cils shall have neglected to prepare an electoral list, or to cause the revision of the said list to be made as required by this Act, or if on the first day appointed for the polling, the Deputy Returning Officer of a municipality or electoral division have not received a copy of the said list in the manner hereinbefore mentioned, the Deputy Returning Officer shall not open the Poll, and shall make his report to the Returning Officer.

where there is no correct electoral list.

LVI. If all the Municipal Councils of an Electoral College shall have neglected the making of the electoral list or the revision thereof, in accordance with the provisions of this Act, or if none of the Deputy Returning officers of any of the different municipalities in an electoral division, be on the day appointed for the voting provided with the electoral list of the municipality or electoral division of which he may have been appointed Deputy Returning Officer, none of the said Deputy Returning Officers shall open the poll of such municipality or electoral division, and they shall report the fact to the Returning Officer.

If no Deputy Returning Officer be furnished with a list.

LVII. If the Municipal Council of any electoral division or municipality shall have neglected to comply with the provisions of this Act, with regard to the electoral list, the electors of such division or municipality shall not be allowed to vote at any partial or general election of representatives of the people in the Legislative Council or Assembly; until the requirements of this Act shall have been complied with.

No elector to vote in a municipality which has not made the list.

LVIII. In case all the Municipal Councils of an Electoral College shall have neglected to comply with the provisions of this Act, as regards the electoral list, all the electors of such college shall be deprived of the right of voting at elections of the representatives of the people in the Legislative Council or Legislative Assembly, until such time as the Electoral College and Municipal Councils, or one or more of them shall have complied with the provisions of this Act: But the right of voting shall only extend to the electors of those municipalities in which the Municipal Council shall have caused the electoral list to be made or revised in the manner prescribed by this Act.

The divisions in which lists have been made shall alone vote.

LIX. In the case provided for by the fifty-fifth section, the Returning Officer shall report in the manner prescribed in the form to this Act annexed.

Form of report under section 55.

LX. The Deputy Returning Officer shall receive the votes of those persons only whose names shall have been entered in the electoral list furnished by the Clerk of the Municipality, and any vote given by a person not entered in the said list shall be null.

Persons on the lists shall alone vote.

LXI. In case an election, whether general or partial, shall take place at the time appointed for the revision of the electoral list, before the termination or completion of such revision, the only persons who shall be entitled to vote at such election shall be those whose names were entered in the electoral list when it was made or at the last revision thereof.

And so after any revision of a list.

TITLE VI.

Electoral Certificate.

- Clerks to give certificates of qualification. **LXII.** The clerks of the different Municipalities shall be bound, under penalty of *fifty pounds* or three months' imprisonment for each refusal, to give certificates of electoral qualification to the electors of their respective Municipalities.
- One vote to each voter. **LXIII.** They shall give but one certificate to any one elector for the same election. 5
- Clerk may require oath of identity. **LXIV.** The Clerk may require the oath of identity from any person who may be unknown to him, who shall demand an electoral certificate for himself or as the agent of a voter.
- To whom only he may give certificates. **LXV.** He shall grant electoral certificates to the voters themselves in person only, or to persons making oath that they are authorized by the voters themselves to receive the said certificates. 10
- Penalty for contravention in certain cases. **LXVI.** Any Clerk who shall, in so far as he is concerned, contravene the provisions of the two preceding sections, and any person who shall falsely make oath that he is the person whose certificate he demands or that he has been empowered by an elector to receive his certificate, shall be deemed guilty of perjury, and shall be respectively liable to punishment accordingly. 15
- Voters with certificates shall alone vote. Oath of identity. **LXVII.** Every person presenting himself to vote shall be provided with one of the certificates mentioned in the preceding sections and on the back thereof shall be inscribed his vote; and the Deputy Returning Officer shall require him to make oath that he is the person mentioned in the certificate of which he is the bearer, and shall at the same time compare the said certificate with the electoral list for the purpose of ascertaining whether or not any other person may have previously voted in the name of the person mentioned in the certificate. 25
- Second vote in the same name to be refused. **LXVIII.** In case any person shall have voted already in the name of the person mentioned in the certificate, the Deputy Returning Officer shall refuse to receive a second vote in the name of the same person 30
- Certificate and oath to be required in every case. **LXIX.** The Deputy Returning Officer shall be bound, under a penalty of two years imprisonment in the penitentiary, to require the electoral certificate and the oath as to identity from all voters without exception.
- False certificate. **LXX.** Any person who shall attempt to vote on a false certificate shall be guilty of felony and punishable accordingly. 35
- False oath of identity. **LXXI.** Every person who shall swear falsely that he is the person mentioned in the certificate of which he is the bearer shall be deemed guilty of perjury.

TITLE VII.

Vote by Ballot.

LXXII. Each Deputy Returning Officer shall be provided with a ballot box of wood or tin closing with a lock, the said box to be inches in length by inches in breadth and inches in depth and having an opening in the lid sufficient to admit of the passing through of the tickets.

Each Returning Officer to have a ballot box.

LXXIII. This box or these boxes, if more than one are required, shall be furnished and renewed by the Municipal Council in each Municipality.

To be furnished by the municipality.

LXXIV. Upon the lid shall engraved or inscribed the words "Ballot box for the Municipality of (or as the case may be, of the division or ward of the city or town of) Electoral College of

Inscription on the cover.

LXXV. Every elector on offering to vote shall present his certificate to the Deputy Returning Officer, who after having required from him the oath of identity and having compared the certificate with the electoral list as elsewhere provided, shall deposit the said certificate in the ballot box ; The voting ticket shall consist of his electoral certificate, on the back of which the elector shall have inscribed or caused to be inscribed the name or names of the candidate or candidates, as the case may be, for whom he desires to vote.

Such voter shall present his certificate.
Voting tickets.

LXXVI. Immediately after any elector shall have voted, the Deputy Returning Officer shall insert the word *voted* opposite to the name of such elector on the electoral list.

Elector voting to be noted on the list.

LXXVII. In each electoral municipality, division or ward, the polling shall continue days and no longer, exclusive of Sundays and holidays ; It shall begin each day at nine o'clock in the forenoon and shall terminate at five o'clock in the afternoon.

Duration of the polling.

LXXVII. While the polling shall continue the Returning Officer shall keep the ballot box locked and shall not allow it to be out of his custody for any cause or reason whatever, and he shall not open it until after the close of the polling, as hereinafter mentioned.

The ballot box to remain locked, &c.

LXXIX. If during the polling the ballot box be destroyed or injured by violence, or carried away by fraud or violence, the Deputy Returning Officer shall declare the poll closed and shall make a return in the form annexed to this Act.

If the box is destroyed, stolen, etc.

LXXX. If after the close of the poll and before the Deputy Returning Officer shall have prepared the *procès-verbal* hereinafter mentioned, the ballot box be taken out of the custody of the Deputy Returning Officer, or if after the opening of the said box by the Deputy Returning Officer, as hereinafter provided, a number of voting tickets be found exceeding that of the electors inscribed on the poll book, the Deputy Returning Officer shall report of the fact to the Returning Officer.

Special report to the Returning Officer in certain cases.

Scrutiny of voting tickets in certain cases.

LXXXI. In the cases provided for by the two next preceding foregoing sections, the Returning Officer upon the report of the Deputy Returning Officer shall proceed to a scrutiny of the voting tickets for the Electoral College in the same manner as if, for the reason mentioned in section LV, the voting had not taken place in the municipality or ward of the City or Town, the Deputy Returning Officer of which shall have made to him one of the reports mentioned in sections LV & LVI. 5

Opening of the ballot boxes.

LXXXII. Upon the close of the poll after the expiration of the time limited for that purpose, the Deputy Returning Officer, in the presence of six electors whom he shall select as far as possible in equal numbers from among the partizans of each candidate, shall open the ballot box, and shall ascertain the total number of the voting tickets deposited, and the number of votes given to each candidate,—In this duty he shall be assisted by his Poll Clerk. 10

Procès-verbal of such opening.

LXXXIII. He shall draw up a *procès-verbal* of the opening of the ballot box, in the form annexed to this Act, and shall cause it to be signed by not less than four of the persons present and shall sign it himself. 15

The box to be again locked.

LXXXIV. He shall again deposit in the ballot box, in the presence of the said persons, all the voting tickets which he shall have withdrawn therefrom and shall then lock the box. 20

Copy of *procès-verbal*, etc.

LXXXV. He shall make a copy of the *procès-verbal* and shall then deposit the *procès-verbal* in a place of safety and shall keep it for the space of one year from its date.

The box and copy to be returned to the Returning Officer.

LXXXVI. The Deputy Returning Officer shall in person deliver, (or in case of his sickness, the Poll Clerk shall in person deliver) to the Returning Officer the copy of the *procès-verbal* and the ballot box of the municipal division or ward for which he shall be Deputy Returning Officer or Poll Clerk, and upon such delivery he shall take a receipt therefor from the Returning Officer. 25 30

Scrutiny of votes by the Returning Officer.

LXXXVII. The Returning Officer upon the receipt of all the ballot boxes for the Electoral College and the copies of the *procès-verbaux* accompanying them, shall proceed to a scrutiny of the votes in the presence of eight electors selected by him for that purpose, and taken as nearly as possible in equal numbers from the partizans of each candidate. 35

Certain tickets to be null.

LXXXVIII. He shall account as null and void :

1o. Any voting ticket not be manuscript.

2o. Any voting ticket which shall not contain a sufficient designation of the candidate or candidates in whose favor the elector desired to vote. 40

3o. Every voting ticket in excess of the number of votes stated in the *procès-verbal* accompanying each ballot box, to have been given for each candidate.

4o. Every voting ticket containing more names than there shall be representatives to elect in the same Electoral College. 45

LXXXIX. In case of the loss, destruction or abstraction of any ballot box, before it shall have been delivered, the Returning Officer shall consider as correct and exact the sum of the votes, as stated in the *procès-verbal* of the Deputy Returning Officer of the electoral municipality or division, the box for which shall have been destroyed, lost or carried away.

Provision in case of the loss of the ballot box.

XC. If the copy of the *procès-verbal* have not been delivered to him, he shall without delay apply for a copy thereof to the Deputy Returning Officer who shall transmit the same to him forthwith, as provided by section LXXXVI.

If the copy of the *procès-verbal* has not been delivered to him.

XCI. If one or more ballot boxes and the *procès-verbaux* of one or more municipalities or electoral divisions have not been received by him in time to proceed to the scrutiny of the votes given by the Electoral College, before the day fixed for the proclamation of the elected candidates, the Returning Officer shall postpone the said proclamation for six days.

Proclamation postponed in certain cases.

XCII. As soon as he shall have received the ballot boxes and the *procès-verbaux* from the Deputy Returning Officers for the several divisions and municipalities of the Electoral Colleges the Returning Officer, in the presence of the persons appointed under section LXXXVII, shall proceed to open each of the said boxes, to examine the *procès-verbaux* accompanying them, to examine whether the number of voting tickets in each box corresponds with that stated in each *procès-verbal* and to ascertain the legality of the said voting-tickets.

Opening of the boxes and verification of the tickets, &c.

XCIII. He shall then add up the number of legal votes given to each candidate and shall declare which of the candidates has or have obtained the majority of the votes.

Adding up the votes

XCIV. He shall submit this operation to the examination of the persons selected as provided by article LXXXVII and shall prepare a *procès-verbal* of the whole proceeding, which he shall sign and cause to be signed by at least four of the said persons.

Procès-verbal of the result.

XCIV. Upon the day fixed for the proclamation, the Returning Officer shall declare the candidates who shall according to the *procès-verbal* by him prepared, have received the greatest number of votes, duly elected to represent the Electoral College in the Legislative Council or Assembly as the case may be, and he shall transmit the said proclamation, the *procès-verbal* and the poll books with the writ of election.

Proclamation of the candidates elected.

Return.

XCVI. If at the expiration of the delay referred to in section XCI, the Returning Officer shall not have received all the ballot boxes or *procès-verbaux* from the municipalities or electoral divisions, he shall proceed as provided by section XCII, to open the boxes and examine *procès-verbaux* received.

If all the boxes are not received.

XCVII. He shall add up the number of votes given to each candidate, ascertain in whose favor the majority of votes has been given, according to the *procès-verbaux* received, as provided by section XCIII, and shall in all respects conform to the provisions of section XCIV.

Addition of votes, &c.

Special return. XCVIII. In the case provided for by section XCVI, the Returning Officer shall not proclaim the candidate or candidates who shall have obtained the apparent majority of votes, according to the *procès-verbaux* received, but he shall make a special return in the form annexed to this Act. 5

Transmission of the *procès-verbaux*. XCIX. And he shall transmit this return and the *procès-verbaux* received, with the writ of election, to the end that the whole may be decided upon by the Legislative Council or Assembly, according as the election which shall have taken place shall relate to the one or the other.

TITLE VIII.

Punishment of Contraventions of and Offences against this Act.

Assessors. C. Any assessor who shall knowingly insert upon the electoral list the 10 name of any person whom he shall know to be not qualified, or who shall omit any person whom he shall know to be qualified, shall be guilty of felony.

Clerks of municipalities. CI. Any clerk of a municipality, who shall commit any malversation in the execution of the duties imposed upon him by this Act in 15 relation to the electoral list, shall be guilty of felony.

Counterfeit lists, &c. CII. Any person who shall fabricate, counterfeit or alter in any manner whatsoever, any electoral list, *procès-verbal*, electoral certificate or return, required by this act shall be guilty of felony.

Stealing a ballot box. CIII. Any person who shall destroy, abstract, remove or steal any 20 ballot box during the holding of an election, or the voting tickets contained in the said box, or the *procès-verbaux* or returns required by this Act, shall be guilty of felony.

Abstraction, &c., of voting tickets. CIV. Any person who shall knowingly and illegally remove all or any of the voting tickets deposited in any ballot box, or shall know- 25 ingly and illegally deposit in any such box one or more voting tickets, shall be guilty of felony.

Prosecution for the said offences. CV. The offences herein before mentioned shall be tried before any court of competent jurisdiction, and the offender shall upon conviction be condemned to imprisonment in the provincial penitentiary, for any 30 period not exceeding years, nor less than two years.

Refusal to answer pertinent questions. CVI. Any person who shall refuse to answer any pertinent question put to him by the assessors or any of them, or shall use abusive language to them while in the execution of the duties imposed upon them by this Act, shall for each offence incur a fine of not less than £ 35 or more than £ currency, to be imposed upon the testimony under oath of the assessors, or any one of them, before the recorder or any justice of the peace, for the Municipality within the limits of which the offence shall have been committed.

Imprisonment for non-payment of fine. CVII. In default of immediate payment of the fine and costs, the 40 offender shall be imprisoned in the Common Gaol of the County or District for any period not exceeding calendar months.

CVIII. Any person who shall commit an assault upon the assessors or any of them in the execution of the duties imposed upon them by this Act, shall be deemed guilty of an aggravated assault, and upon being convicted of the offence by any Court of competent jurisdiction upon the oath of the said assessors, or one of them, shall be punished by imprisonment in the Common Gaol of the District, for any period not exceeding months.

Assault upon Assessors.

TITLE IX.

General Provisions.

CIX. Within thirty days after the passing of this Act, the Provincial Secretary shall forthwith cause copies thereof to be distributed in each municipality of this Province.

Copies of this Act to be distributed.

CX. To each Municipality in Lower Canada, two copies shall be addressed, one in the English and the other in the French language. In Upper Canada one copy only in English shall be addressed to each Municipality.

In what language.

CXI. The said copies shall be addressed to the Mayor or other person discharging the functions of Mayor in each Municipality, and shall be handed over by him to the secretary or clerk of the Municipality for the use of the Municipal Council.

To whom to be addressed.

CXII. The Provincial Secretary shall cause the 1st, 2nd, 3rd, 4th, 5th, and 6th titles of this Act to be published three times a month for two months in Lower Canada, in one newspaper published in the French and in one newspaper published in the English language, in the cities of Quebec and Montreal, in the languages in which the said newspapers shall be respectively published.

Certain titles to be published in newspapers.

CXIII. The Interpretation Act shall apply to this Act.

Interpretation.

FORM REFERRED TO IN SECTION _____.

Public notice to be given by the Clerk.

County of }
Municipality of }
(or City or Town of }

I, the undersigned, Clerk of the municipality of _____ in the County of _____ (or of the City or town of _____) do hereby give notice, that the electoral list of this Municipality (or as the case may be, of this City or Town,) for the purposes of the representation of the people in Parliament, is now deposited in my office.

I therefore notify all parties interested, that the said list may be examined at my said office every day (Sunday and holidays excepted), between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, for the period of _____ days, to be computed from the date of this notice, and that during the said time any person having any complaint to urge against the said list in respect of any omission or error, may do so by filing his complaint in my office, accompanied by the evidence in support thereof as required by law.

After the expiration of the said time no complaint will be received.

Given in the said municipality of _____, (or City or Town of)
 this _____ day of _____, 185_____

A. B.,
 Clerk of the Municipality, (or of
 the City or Town of)

FORM REFERRED TO IN SECTION _____.

Form of Notice to be given by the Clerk of the Revision of the Electoral List.

County of _____ }
 Municipality of _____ }
 or City of _____ }

I the undersigned, Clerk of this Municipality (or as the case may be, of this City or Town of _____) do hereby give notice that the assessors charged with the revision of the electoral list for this municipality (city or town) according to law, propose to add to the said list as electors duly qualified the following persons, to wit, (*here give the names, callings and residences of the said persons*) and to strike out of the said list the names of the electors following, to wit, (*give the names, &c.*) for the reasons stated in the revision list now filed of record in my office.

Therefore, &c., (*the rest as in form No. 2.*)

FORM REFERRED TO IN SECTION _____.

Form of Return by Deputy Returning Officer.

Electoral College of _____ }
 Municipality of _____ }
 City or Town of _____ }

The undersigned, Deputy Returning Officer, appointed according to law to preside at the voting in the Municipality of _____, (or _____ ward in the city or town of _____) in the Electoral College of _____ did, during the said election, proceed on the day fixed for the voting, to the building or house set apart by the Returning Officer for receiving the votes of the electors of the said Municipality or ward of the said City or Town, and then and there not having received from the Clerk of the said municipality (or of the said City or Town) the electoral list for the said municipality (or ward of the said City or Town), as prescribed by section _____ of the Vict. chap. _____, in conformity with section _____ of the said Act, I did not open the poll or receive the votes of the electors of the said municipality (or ward of the said City or Town.)

In testimony whereof, I have signed these presents, this
 day of _____ 185_____

A. B.,
 Deputy Returning Officer.

FORM REFERRED TO IN SECTION——.

Return of the Returning Officer for an Electoral College in which the election shall have not taken place on account of the absence of an Electoral List.

I, the undersigned Returning Officer for the Electoral College of
 (or for the City or Town of) in conformity with Her Majesty's writ dated the commanding me to proceed to the election of a member (or members represent the said Electoral College of (or the said City or Town of) in the Legislative Council (or Assembly) of this Province, certify that in conformity to law I observed all the formalities prescribed, and fixed the day of for receiving the votes of the electors in each municipality, electoral division or ward of the said college.

That it appears by the returns transmitted to me by all the Deputy Returning Officers appointed by me to preside over the voting in each of the said municipalities, and electoral divisions or wards, that they the said Returning Officers were unable to proceed to the voting, inasmuch as the clerks of the Municipal Councils of the municipalities in the said electoral college had not transmitted to each of the said Returning Officers, certified copies of the electoral lists of the said municipalities respectively, as prescribed by section of the Act, Vic., cap.

Therefore I, the said Returning Officer do hereby return, that no election has been held in the said Electoral College in conformity with Her Majesty's Writ, and I herewith transmit the returns of all and every of the said Deputy Returning Officers.

Executed in the said Electoral College of (or City or Town of) this day of 185

C. P.
 Returning Officer.

FORM REFERRED TO IN SECTION LXXIII.

Form of Procès-Verbal by Deputy Returning Officer.

Electoral College of
 Municipality of
 City or Town of
 Ward. }

On the day of in the year one thousand eight hundred and fifty

I, the undersigned, Deputy Returning Officer for the municipality of (or of ward in the City or Town of), did proceed in the presence of (*here name the persons*) six qualified electors of the said Municipality (or Ward) to open the ballot box for the said

municipality (or ward), to ascertain the number of tickets deposited in the said box during the voting, which terminated this day, for the election of a member or members to represent the said Electoral College (or the said City or Town) in the Legislative Council (or Assembly, as the case may be) of this Province, which said number is as follows:—

Total number of Tickets deposited.....

“ “ of Votes given to the Candidate..A. B....

“ “ of Votes given to the Candidate..C. D....

“ “ of Votes given to the Candidate..E. F....

(And so on for each Candidate, if there be more than three.)

Total number of Tickets signed by the Voters.....

“ “ “ not in manuscript.....

“ “ “ not indicating.....

The Candidate not sufficiently clearly.....

In testimony whereof I have signed this *procès-verbal* with the three persons below named.

(Signed,) L. M.
N. O.
R. S.
U. V.

Deputy Returning Officer.

FORM REFERRED TO IN SECTIONS

Form of procès-verbal of the scrutiny of the votes by Returning Officer.
Province of Canada, }

I the undersigned Returning Officer for the Electoral College of (or for the City or Town,) having received all the ballot boxes, from the several Municipalities comprised in the said electoral College (or as the case may be) from the several electoral wards of the said City or Town did this day in the presence of (here insert the names and additions of eight persons) all qualified electors of the said Electoral College (or of the said City or Town) proceeded to open the ballot boxes and to ascertain whether the number of tickets in each box corresponded with the number stated in the *procès-verbal* of the Deputy Returning Officer by whom the said box was transmitted to me as follows, to wit:

	Number of tickets.
No. 1. Ballot box of the Municipality of (or electoral ward of the said city or town.)	
No. 2. Ballot box of the municipality of (or ward of the said city or town)	
<i>(And so on in rotation for each box.)</i>	

The number of tickets in each box was found to correspond with the number stated in the *procès-verbal* accompanying the same.

I thereupon proceeded to determine the number of votes given for each candidate during the election, and the result was as follows :

MUNICIPALITIES.	CANDIDATES,	VOTES.
	A. B., C. D., E. F., G. H....	
No. 1. Municipality of. (or ward of the city or town.)	} à " " " " ..	
No. 2. Municipality of (or ward of the town or city.)	} for " " " " ..	
<i>(And so on with the rest.)</i>		

Total number of votes given for each Candidate..

I struck off as being null :

- votes given for A. B.
- votes given for C. D.
- votes given for E. F.
- votes given for G. H.

for certain grounds of avoidance,
(State the grounds with regard to each ticket.)

Result of the scrutiny	VOTES.
The Candidate A. B. received.....	
" " C. D. "	
" " E. F. "	
" " G. H. "	

And that the candidate (*candidate's name*) received the largest number of votes in the Electoral College of
(*or in the city or town of*) as representative of the said college,
(*or city or town*) in the Legislative Assembly (*or Legislative Council*) of this Province. (*If several candidates are to be elected, the Returning Officer shall insert the names of the three candidates who shall have received the greatest number of votes, beginning with the candidate who shall have the highest number, and in place of the candidate he shall write the candidates naming them*) received, &c.

After having caused the above operation including the scrutiny and verification of the tickets to be supervised by the person above mentioned, I have prepared this *procès-verbal*, which they have signed with me.

(Signatures.)

K. S.
L. M.
N. O.
P. R.
S. B.

Returning Officer.

FORM REFERRED TO IN SECTIONS

VIII. Form of the procès-verbal required by this Section.

(Commencement the same as in the *Electoral Form*, as far as the words electoral law, inclusively. The Returning Officer shall continue as follows :)

Having received the ballot boxes and *procès-verbaux* from the different Municipalities of the said Electoral College, (or from the different electoral wards of the said City or Town) save and except from the municipality of _____ (or from the ward of _____). (if any boxes or *procès-verbaux* be wanting, he shall state from the municipalities of _____ or from the wards of _____, giving the names of such municipalities or wards) in accordance with the 91st section of the Statute _____ Victoria, chapter _____. I postponed the proclamation until the _____ day of _____. And on the said day having received neither the said boxes, nor the said *procès-verbaux*, I proceeded in presence of, (*name the parties as in the preceding form*.) all eight being electors of the said Electoral College, (or of the said City or Town of _____) to open the boxes which were delivered to me, and to ascertain whether the number of tickets contained in each box, corresponded with the number stated by the Deputy Returning Officer, by whom the said box was delivered to me, with the following result, that is to say :

(*The rest as in the preceding form, beginning after the word that is to say in the said form as far as the words accompanying the same inclusively.*)

I then determined the number of votes given to each candidate as shewn by the tickets and *procès-verbaux* which were delivered to me, and the result was as follows :

No. 1 Municipality of	}	A.	B.
Ward of the City or Town		C.	D.
		E.	F.
		G.	H.

(*The rest as in the preceding form as far as the words after having exclusively.*) After having caused the above operation to be supervised and the voting tickets to be compared with the *procès-verbaux* by the persons above named, I have prepared the present *procès-verbal* the whole to be decided by the Honorable the Legislative Council (or Assembly, as the case may be.) And the said persons (or at least four of them) have signed with me.

(*Signatures as in the preceding form.*)

ARTICLE LXXXV.

IX. Form of proclamation by the Returning Officer.

Electoral College of }
 or City or Town of }

Be it known that I, A. B., Returning Officer for the above named Electoral College, (or City, or Town of,) appointed by virtue of Her Majesty's Writ, bearing date the _____, and commanding me to cause to be held an election of a representative ~~or~~ of representatives *as the case may be*) of the said Electoral College, in the Legislative Council (or Assembly, *as the case may be*.) of this Province, do hereby declare that after a scrutiny of the votes given in the said Electoral College, during the present election, and in accordance with a *procès-verbal* of the verification and scrutiny of the said votes, prepared by me, in accordance with the Statute Victoria, chapter _____, on the _____ day of _____ one thousand eight hundred and fifty _____, that

The Candidate	A. B.	received.....	VOTES.
"	"	C. D. "	.....
"	"	E. F. "	.....
"	"	G. H. "	.....

(And so on for each Candidate in succession.)

The said A. B. having received the greatest number of votes, I hereby declare the said A. B. duly elected to represent the said Electoral College of _____ in the Legislative Council (*or Assembly, as the case may be*) of this Province, in present parliament (*as the case may be*), in the next (*or the present*) parliament to be holden at _____ on the _____ of _____, in

Given under my hand at _____ this _____ of _____ 185

O. L.
 Returning Officer.

If there be more than one representative to be elected for an Electoral College, the Returning Officer shall use the words:—I hereby declare, the said A. B., C. D., &c., (according to the number of representatives to be elected) duly elected to represent the said electoral College, &c.

FORM.

REFERRED TO IN SECTION

Form of Electoral List of the Municipality of _____ (or City or Town of* _____) in the County of _____

Names of the Electors.	Profession or Trade.	British subject.	Naturalized.	Alien.	Age.	Proprietor.	Annual income from property.	Value.	Tenant.	Annual rental.	Tenure commenced.	Residence.	Electors who Voted.
A.													
Adain, Pierre.....	Carpenter...	1	.....	.....	36	1	£15	.....	.....	.....	1850	.....	Voted.
B.													
Burns, James.....	Mason	1	.....	.....	40	.....	.....	£350	1	£20	1852	.....	.....
C.													
Caron, Jean.....	Farmer.....	1	1	.....	27	1	£26	.....	.....	.....	1853	.....	Voted.
(and so on.)													

* In towns and cities divided into wards in which Polls shall be held, insert ward of (naming the ward) in the City or Town of