



No. 35.

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

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**BILL.**

**An Act to amend chapter Six of the Consolidated Statutes of Canada, intituled, An Act respecting Elections of Members of the Legislature.**

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

Second reading, Wednesday, 2nd September,  
1863.

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**Mr. MORRIS.**

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**QUEBEC :**

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An Act to amend chapter six of the Consolidated Statutes of Canada, intituled, An Act respecting Elections of Members of the Legislature.

**WHEREAS** doubts have arisen as to the Lists of Voters which ought Preamble.  
to be used in Upper Canada at any election for a member to serve in the Legislative Council or Assembly, and it is desirable to set such doubts at rest, and to make further provision with regard thereto; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- 1.** It is hereby declared and enacted, that the List of Voters required by the "Act respecting Elections of Members of the Legislature," to be used at any election of a member to serve in the Legislative Council or Assembly, in any Municipality in Upper Canada, is and shall be held to be the last List of Voters which, before the issuing of the Writ to hold such Election, was, according to law completed and delivered by the Clerk of such Municipality to the Clerk of the Peace for the County or Union of Counties, within which such Municipality lies. The last list completed before the issue of the writ, to be used.
- 2.** In case the Clerk of any Municipality does not complete and deliver the list of voters duly certified, by the first of October in each year, it shall be the duty of the Clerk of the Peace forthwith to apply summarily to the County Judge or acting Judge of the County Court in Upper Canada to enforce the completion and delivery of such list. Proceedings for compelling completion of list.
- 3.** The application may also be made by any person entitled to be named on such list as an elector. Any Elections may apply.
- 4.** The Judge shall, on such application, require the Clerk of the Municipality and any other person he sees fit, to appear before him and produce the Assessment Roll and any other documents relating thereto, 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 enforcing the completion and delivery of the list without any avoidable loss of time. Judge may require Clerk of Municipality to appear before him, &c.
- 5.** The Clerk of the Municipality 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. Costs on such proceedings.
- 6.** Such proceeding and such order of the Judge of the County Court, shall not in any wise exonerate or release the Clerk from liability to the penalty imposed by section six of the said Act, for neglect or refusal to complete the List as therein mentioned. Not to exonerate Clerk, under sect. 6 of amended Act.