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3rd Session, 6th Parliament, 23 Victoria, 1860

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**BILL.**

An Act to amend the Act Chapter Six of the Consolidated Statutes of Canada, respecting the election of Members of the Legislature.

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Received and read, first time, Tuesday, 20th March, 1860.

Second reading, Thursday, 22nd March, 1860.

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Hon. MR. DORION.

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QUEBEC :

PRINTED BY THOMPSON & CO., ST. URSULE STREET.

An Act to amend the Act Chapter Six of the Consolidated Statutes of Canada, respecting the Election of Members of the Legislature.

**H**ER Majesty, &c., enacts as follows.

- I. From and after the passing of this Act, the votes of electors qualified to vote at the election of a member of the Legislative Assembly, or of a Legislative Councillor, shall be taken and entered on one day only, and polls shall be opened for that purpose from nine o'clock in the morning until five o'clock in the evening.
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- II. The Returning Officer shall determine the number of polls which shall be opened in each city, town, village, parish or township, or in any part of any city, town, village, parish or township, or other place forming part of a county, or of an electoral division, for the election of a member of the Legislative Assembly or of the Legislative Council, as the case may be, so that there may be a poll for every two hundred and fifty electors, whose names are inscribed on the list of voters to be used at such election, and also a poll for any fraction over and above that number of voters.
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- III. The Returning Officer shall fix the places at which the polls shall be held, so that there may be a distance of three arpents at least between each poll in any city town or village, and a distance of a mile at least between each poll in any parish or township, or part of a parish or township, or other place forming part of a county or of an electoral division, for the election of a Legislative Councillor.
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- IV. Each elector whose name is inscribed on the list of voters duly revised, shall be entitled to a certificate of qualification in the form of shedule A. annexed to this Act.
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- V. This certificate shall be furnished by the Clerk, Secretary or Secretary-Treasurer of the Municipality for which the list has been prepared, or by his Deputy, during the three days preceding immediately and on the day of the entering of the votes, exclusive of Sundays and legal holidays.
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- VI. It shall be the duty of the Clerk, Secretary or Secretary Treasurer of the Municipality, or his Deputy, to administer to every person applying for his certificate of qualification, the oath contained in Schedule B, if he has grounds for suspecting that he is not the person named in such certificate; and it shall also be his duty to administer the same oath, on being required so to do by any duly qualified elector whose name is inscribed on the list of voters.

Votes at future elections to be taken on one day only.

Number of polls.

Where the polls shall be.

Certificate of qualification as voter.

By whom to be furnished.

Oath to be taken.

Where votes  
may be given.

VII. Every Elector qualified to vote at the election of a Member of the Legislative Assembly or of the Legislative Council, may vote at any one of the polls held for the city, town, village, parish or township, or for any other place forming part of a county or electoral division, in which he is qualified to vote.

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Elector before  
voting to give  
up his certifi-  
cate, and take  
an oath if  
required.

VIII. Every elector, before voting, shall deliver to the Deputy Returning Officer his certificate of qualification, and if required by the Deputy Returning Officer, or one of the candidates, or his representatives, or by any elector whose name is inscribed on the list of voters, he shall take the oath contained in Schedule B, hereunto annexed.

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In what case  
voter may be  
furnished  
with a new  
certificate.

IX. The Clerk, Secretary or Secretary Treasurer, and any Deputy Clerk, Secretary or Secretary Treasurer, on the affidavit of a duly qualified elector, that his certificate of qualification has not been delivered to him, or that he has been deprived thereof by fraud or violence, or that he has lost it by any accident, shall furnish to such elector a second certificate of qualification, under the same number as the first, stating thereon that it has been issued on the affidavit of the elector.

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Further proof  
in such case.

X. It shall be lawful for any Deputy Returning Officer, for any candidate and for any duly qualified elector, to require from the bearer of the certificate of qualification issued in virtue of the preceding section, besides the oath mentioned in Schedule B, that he should produce a person to identify him, and to whom the Deputy Returning Officer shall administer the oath contained in Schedule C.

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In case two  
votes are  
given under  
the same  
name and  
number.

XI. When two votes shall have been given at the same election in virtue of certificates issued under the same name and number, the second only shall be valid, and shall be counted in the addition of the votes given at such election.

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When the  
elections shall  
be held.

XII. The taking and entering of the votes for any election of members of the Legislative Assembly, or of the Legislative Council, shall take place on the 30th day, to be computed from the date of the Writs of election or on the following day, if the 30th day be a Sunday or a legal holiday.

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In general  
elections all  
the writs to  
bear the same  
date.

XIII. The Writs of election for general elections of members of the Legislative Assembly, shall be dated on the same day, and shall indicate the day on which the votes are to be taken.

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Periodical  
elections of  
Legislative  
Councillors.

XIV. The Writs of election for the periodical elections of members of the Legislative Council, shall be dated the same day, and shall indicate the day on which the votes are to be taken.

Penalties.

XV. Any Clerk, Secretary, Secretary-Treasurer or any Deputy, who recordingly issues certificates of qualification to other persons than those whose names are regularly inscribed on the lists of voters, or who issues more than one certificate for each name inscribed on the voters' list, except in the cases provided for by the 9th section of this Act, shall be liable to a fine of £50 for every such offence.

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Penalties.

XVI. Any Clerk, Secretary, Secretary-Treasurer or Deputy, and any Deputy Returning Officer who neglects or refuses to fulfil any of the duties imposed upon him by this Act, shall be liable to a fine of not less than five pounds currency, nor more than fifty pounds currency, for each offence.

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XVII. The fines imposed by this Act may be recovered before any Court of competent jurisdiction. Their recovery.

XVIII. Any provision of any former Act contrary to this Act is repealed. Contrary provisions repealed.

### SCHEDULE A.

No. City, Town, Village, Parish or Township of (as the case may be)

I certify that A. B. is duly qualified to vote for the election of a Member for the County of \_\_\_\_\_, (or of a Legislative Councillor for the Division of \_\_\_\_\_,) and that his name is regularly inscribed on the list of voters of this Municipality, (or part of this Municipality) in the said County of \_\_\_\_\_, (or in the said Division of \_\_\_\_\_,) for the year 186 .

### SCHEDULE B.

You swear (or solemnly affirm) that you are (*name of the elector as inscribed on the list*) whose name is inscribed on the certificate now shewn you, that you are a subject of Her Majesty by birth or naturalization, that you are twenty-one years of age, that you have not voted before at this election, and that you have received nothing, and that no promise has been made to you, directly or indirectly, to induce you to vote at this election. So help you God.

### SCHEDULE C.

You swear (or solemnly affirm) that you are acquainted with A. B., who is named in the certificate now shewn you, and that the bearer of the certificate is the person therein referred to.