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No. 113.

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

B I L L :

An Act to define the Elective Franchise,
to provide for the Registration of Voters,
and for other purposes therein men-
tioned.

Received and read, 1st time, Tuesday, 27th
April, 1858.

Second reading, Tuesday, 4th May, 1858.

Hon. Mr. Atty. Genl. MACDONALD.

S. Derbshire & G. Desbarats, Queen's Printer.

An Act to define the Elective Franchise, to provide for the Registration of Voters, and for other purposes therein mentioned.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

I. From the time when this Act shall come into force, the Act passed in the eighteenth year of Her Majesty's Reign, chapter eighty-seven, and so much of an Act passed in the twelfth year of Her Majesty's Reign, chapter twenty-seven, and of all other Acts and parts of Acts as may be contrary to or inconsistent with the provisions of this Act, shall be and the same are hereby repealed, save only and except so far as such Acts repeal the whole or any part of any other Acts, and also, save and except so far as relates to any matters or things done at any time before this Act shall come into force, all which matters and things shall remain as valid and effectual as if this Act had not been passed, and also, save and except as to the recovery and application of any penalty for any offence which shall have been committed before this Act shall come into force as aforesaid. The Act 18 V. c. 87, and so much of 12 V. c. 27, or of any other Act, as is inconsistent with this Act, repealed.
Exceptions.

QUALIFICATION OF VOTERS.

II. The following persons, (and no other persons) being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified as holding any office or otherwise by law prevented from voting, shall, if duly registered or entered on the revised and certified list of voters according to the provisions of this Act, be entitled to vote at Elections of Members to serve in the Legislative Council or Legislative Assembly of this Province, that is to say : Persons hereinafter mentioned, and no others, to be qualified as electors, if duly registered.

1. Every male person entered on the then last Assessment-Roll, revised, corrected and in force in any City or Town entitled to send a Member or Members to the Legislative Assembly, as the owner or as the tenant or occupant of real property therein, or within the liberties thereof as bounded for municipal purposes, of the assessed yearly value of thirty dollars, or upwards,---or who is entered on such last revised and corrected Assessment-Roll of any Township, Parish or Place, as the owner, tenant or occupant of any real property, which is within the limits of any such City or Town for the purposes of Representation, but not for municipal purposes, of the assessed value of two hundred dollars at least, or of the assessed yearly value Electors in cities or towns sending Members to the Legislative Assembly.

of twenty dollars, or upwards,—shall be entitled to vote at any Election of a Member to represent in the Legislative Council the Electoral Division of which such City or Town forms a part,—and shall also be entitled to vote at any Election of a Member to represent in the Legislative Assembly the said City or Town: subject always to the provisions hereinafter contained;

Electors in places not being within cities or towns, entitled to send Members to the Legislative Assembly.

2. Every male person entered on the then last Assessment Roll, revised, corrected and in force in any Parish, Township, Town, Village or place, not being within any City or Town, entitled to send a Member or Members to the Legislative Assembly, as the owner, tenant or occupant, of real property of the assessed value of two hundred dollars or upwards, or of the yearly assessed value of twenty dollars or upwards, shall be entitled to vote at any Election of a Member to represent in the Legislative Council the Electoral Division of which such Parish, Township, Town, Village or place forms a part, and shall also be entitled to vote at any Election of a Member to represent in the Legislative Assembly the Electoral Division in which such Parish, Township, Town, Village or place is included: subject always to the provisions hereinafter contained;

In what cases joint owners or tenants of any property may vote on it.

3. Whenever two or more persons, whether as being partners in business, joint tenants or tenants in common, or *par indivis*, are entered on such Assessment Roll as aforesaid, as the owners of any real property, or as tenants or occupants thereof, each of such persons shall be entitled to vote and to be entered on the list of voters in respect of such property, if the value of his part or share be sufficient to have entitled him to vote at any Election for Members to represent in the Legislative Council or Assembly the Electoral Division within which such property is situate, if such property had been Assessed in his individual name: except that if the property be held by any body Corporate, no one of the Members thereof shall be entitled to vote, or be entered on the list of voters, in respect of such property; Provided that in Upper Canada such persons as in this sub-section mentioned must establish their right before the Court of Revision or County Judge according to the provisions of the Assessment Laws, and be entered on the Assessment Roll accordingly.

Exception.

Proviso.

PERSONS DISQUALIFIED FROM VOTING.

Certain officers and persons not to vote.

III. No Returning Officer, Deputy-Returning Officer, Election Clerk or Poll Clerk, no person disqualified to vote under the provisions of the Statute passed in the twentieth year of Her Majesty's Reign, chapter twenty-two, and no person who at any time either during the Election or before the Election, shall be employed at the said Election or in reference thereto, or for the purpose of forwarding the same;

any Candidate or by any person whomsoever, as Counsel, Agent, Attorney or Clerk at any polling place at any such Election, or in any other capacity whatever, and who shall have received or expect to receive, either before, during or after the said Election, from any candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever for any sum of money, fee, office, place or employment, shall be entitled to vote at any Election of a Member of the Legislative Council or Assembly.

REGISTRATION OF VOTERS AS REGARDS UPPER CANADA ONLY.

IV. 1. The Clerk of each Municipality in Upper Canada shall after the final revision and correction of the Assessment Rolls, forthwith make a correct alphabetical list of all persons entitled to vote at the election of a Member of the Legislative Council and Assembly within such Municipality, according to the provisions of this Act, together with the number of the lot or part of lot, or other description of the real property, in respect of which each of them is so qualified; and in Cities and Towns, the Clerks shall make out a separate list for each Ward, of the names with a description of the property of all parties on the Assessment Rolls, who may be entitled to vote in respect of real property, situate within such Ward; and if any Municipality shall be partly in one Electoral division and partly in another for the purposes of any Election, he shall make out one such alphabetical list for each of such Electoral divisions, containing the names, with such description of property, of all the parties on the Assessment Rolls who may be entitled to vote in respect of real property situate in each of such Electoral divisions respectively; and the Clerk shall certify by oath or affirmation before the Judge of the County Court, or before any two Justices of the Peace, to the correctness of the list or lists so by him made out, and he shall keep such certified lists among the records of the Municipality, and shall deliver a duplicate original thereof certified by oath or affirmation as aforesaid, to the Clerk of the Peace of the County or Union of Counties within which the said Municipality shall lie; and all such lists shall be completed and delivered as aforesaid, on or before the first day of October in each year; and no person shall be admitted to vote at any Election of a Member to serve in the Legislative Council or Assembly, unless his name shall appear upon the list then last made and certified; and no question of qualification shall be raised at any such Election, except to ascertain whether the party tendering his vote is the same party intended to be designated in the alphabetical list aforesaid.

Clerks of Municipalities to make lists of electors from the assessment rolls.

As to Cities and Towns divided into wards.

Municipalities extending into more than one Electoral division.

Lists to be attested, and how.

Duplicates to Clerk of the Peace

When to be completed.

No one not on such List to vote.

What question only to be raised at Poll, as to qualification.

2. Any Assessment Roll or List of Voters shall be understood to be finally revised and corrected when it shall have been so revised and corrected by the Judge of the County

When the Roll or List shall be considered

finally re-
vised.

Court, or other authority to whom the last appeal may be made, or when the time during which such appeal may be made shall have elapsed, and not before.

REGISTRATION OF VOTERS AS REGARDS LOWER CANADA ONLY.

Assessors to ascertain owners, tenants, &c., of property, and enter them on the Rolls.

V. It shall be the duty of Assessors in Lower Canada to ascertain by the best means in their power, the owner, and the 5
tenant or occupant of all real property entered in the Assessment Roll, and to enter the names of such owner and tenant or occupant therein, distinguishing them respectively as the owner, tenant or occupant, as the case may be ;

Rolls to be corrected yearly, if not made yearly.

2. But it shall be the duty of Assessors in every incorporated 10
City, and in every local Municipality now existing or that may hereafter exist, in Lower Canada, in which City or Municipality Assessment Rolls are not required to be or shall not be made annually, to revise and correct every year until the next general Assessment Roll shall be made, 15
the then existing Assessment Roll so far as regards the names of the owners and tenants or occupants of all real property entitled under the provisions of this Act to be entered on the list of voters at the Elections of Members of the Legislative Council or Assembly ; and such revision and correction shall be 20
made annually at and during the same period of the year at and during which the original Assessment shall have been made ; and every such revised and corrected Assessment Roll shall be delivered to the Secretary-Treasurer of the Municipality in the same manner and within the same delay as the 25
original Assessment Roll is or shall be required to be delivered ;

At what time.

To whom to be delivered.

Clerk &c., to make List of Electors shewing the property on which they are qualified, &c.

3. It shall be the duty of the Clerk or Secretary-Treasurer of every such City and of every such local Municipality, immediately after receiving the Assessment Roll from the Assessor, to make an Alphabetical List of the persons who 30
shall appear by the Assessment Roll to be qualified, under this Act, to vote at Elections of Members of the Legislative Council or Assembly, in respect of property mentioned in such Assessment Roll, distinguishing such persons as appear qualified as owners from those qualified as tenants or occu- 35
pants, and shewing the number of the lot or part of lot, or other description of the real property in respect of which they are so qualified ; and in every such incorporated City, the Clerk or Secretary-Treasurer shall make out for each Ward a separate list of the above kind of all persons who may be 40
entitled to vote in respect of real property situate within such Ward. And if any Municipality shall be partly in one Electoral Division and partly in another for the purposes of any such election, the Clerk or Secretary-Treasurer shall make out for each of such Electoral Divisions, one such Alphabetical List 45
containing the names with such description of property of all persons on the Assessment Roll who may be entitled to vote

As to cities and towns.

As to municipalities extending into more than one Electoral Division.

in respect of real property situate in each of such Electoral Divisions respectively ; and such Clerk or Secretary-Treasurer shall certify by oath or affirmation before any two Justices of the Peace to the correctness of the List or Lists so made out by him, and he shall keep such certified Lists among the records of the Municipality, and shall deliver a duplicate thereof when finally revised and corrected, certified by oath or affirmation as aforesaid, to the Registrar of the County or Registration Division within which the Municipality shall lie ; and it shall be the duty of the Secretary-Treasurer in Cities or Municipalities in which Assessment Rolls are not or shall not be made annually, to make out in the same manner an Alphabetical list of the same kind from the Assessment Roll as annually revised and corrected by the Assessors ; and a copy of every such list shall be kept publicly posted up in the office of the said Clerk or Secretary-Treasurer for the information of all parties concerned, such copy being corrected by the said Clerk or Secretary-Treasurer by the original when finally revised as hereinafter provided, and again posted up as aforesaid ;

Attestation of list.

Duplicate to the Registrar of the County.

List to be revised, &c., yearly.

Copy to be posted up, and where.

4. The List of Voters made in the manner prescribed by the next preceding Section, for any Municipality in Lower Canada, (not including Cities,) shall be Subject to revision and correction in the same manner and by the same authority by which the Assessment Roll may by law be revised and corrected, and application may be made by parties desirous of having the same corrected in the manner and during the period of time provided by law for making applications for corrections in the Assessment Roll ; and in the Cities, such members of the City Council as shall be appointed by such Council, for that purpose, shall be a Board for revising the List of Voters, and application may be made by parties desirous of having the same corrected in the manner hereinafter mentioned during such time as shall be appointed by the City Council ;

Lists subject to revision and by whom.

In places other than cities.

In cities.

5. If any person shall deem himself aggrieved either by the insertion or omission of his name in any such List, he shall, either by himself or his agent, give notice thereof in writing to the Clerk or Secretary Treasurer of the City or Municipality within the period aforesaid, stating generally in what manner, and for what reasons he holds himself aggrieved ; and the complaint shall be tried and determined by the said Board or authority at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant and to the Assessor or Assessors who made the Roll ; and if any person, being himself a Voter, whose name is on the List, shall think that the name of any other person also entered thereon ought not to be so entered because such other person is not duly qualified as a Voter under the provisions of this Act, he may file a complaint to that effect with the Clerk or Secretary Treasurer of the City or Municipality within the period aforesaid, stating his complaint and the grounds thereof,

How persons deeming themselves aggrieved with regard to such Lists shall proceed.

If any person entered on the List is objected to.

and the complaint shall be tried and determined by the Board or authority aforesaid at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant, and to the Assessor or Assessors who made the Assessment Roll, and to the person the entry of whose name on the List is objected to, if he resides within the limits of the City or Municipality, and, if not, such notice shall be openly posted up in the office of the said Clerk or Secretary Treasurer for the information of all concerned: and at the time and place so appointed as aforesaid, or any other time and place to which the hearing may be adjourned, the said Board or authority shall, after hearing such of the parties notified as aforesaid as shall then and there appear, or without hearing any of them who shall fail so to appear, finally determine the complaint and affirm or amend the said List as they shall after such hearing think right: and the said Board or authority shall have full power to hear and determine any such complaint as aforesaid, and to correct the List of Voters according to such determination, and to adjourn the hearing in any case at pleasure, and to examine any party or any witness adduced by any party, or any documents or writings offered as evidence, and to administer or cause any one of their number to administer an oath or affirmation to any party or to any witness adduced before them, or to summon any person resident in the City or Municipality to attend as a witness before them; and if any person being so summoned shall fail to attend at the time and place mentioned in the summons (being tendered compensation for his time at the rate of fifty cents a day,) he shall thereby incur a penalty of twenty dollars to be recovered with costs to the use of the City or Municipality in any way in which penalties under By-laws can be recovered: Provided always, that all the proceedings under this section shall be summary, and the Board or authority hearing any such complaint as aforesaid (whether in any City or in any other Municipality) shall not be bound by any technical rules of proceeding or evidence, but shall proceed upon and determine such complaint to the best of their ability in such manner as they shall deem most conducive to equity and the substantial merits of the case;

6. Any person who shall have filed any complaint to the Board or authority for revising the lists of voters in any part of Lower Canada, or concerning whom a complaint shall have been filed, and who shall deem himself aggrieved by the decision of such Board or authority touching such complaint, may within eight days after such decision shall have been given, appeal therefrom to the Superior or Circuit Court at its place of sitting in the Municipality or nearest thereto, by a petition setting forth briefly the grounds of appeal, and shall serve a copy of such Petition on the Clerk or Secretary-Treasurer of the City or other Municipality, who shall give reasonable notice thereof to the Assessor and other parties concerned: and any Judge of the

Proceedings of the revising Board on any such complaint; and their powers.

Adjournments.

Evidence.

Oaths.

Witnesses.

Proviso: such proceedings to be summary, &c.

Appeal given from the Revising Board to the Superior or Circuit Court.

Superior Court shall have full power and authority to hear and determine such appeal in a summary manner either in term or vacation, at such time and in such way as he shall think best for ensuring justice to all parties, and may direct that any
 5 further notice be given to any party, if he shall think proper, and shall have the powers for summoning before him and examining on oath or affirmation, any party or witness and compelling the production of any document, paper, or thing, and generally all other powers which are vested in the Superior or
 10 Circuit Court in relation to any matter pending before it, but shall not be bound to observe any form of proceeding, except such only as he shall deem necessary for doing substantial justice to all parties; and the decision of such Judge shall be final and conclusive, and the Clerk or Secretary-Treasurer having custody
 of the list of voters to which it relates, shall correct the same, if any correction be ordered by such decision, immediately on
 15 receiving a copy thereof certified by the Clerk of the Court by which it shall be given: and the costs of any such appeal shall be in the discretion of the Judge and shall be taxed by him at such sum and for and against such parties respectively as he may think right, and any party in whose favor any such costs
 20 may be taxed, may recover them from the party against whom they shall be taxed by execution in the manner in which costs awarded by any judgment of the Court may be recovered: Provided that no evidence shall be received by the Judge on any such appeal, except such as he shall see reasonable cause to think was adduced before the Board or authority to whom the complaint appealed from was made; And provided further
 25 that the pendency of any such appeal shall not effect the validity of those parts of the lists of voters from which no appeal shall be made, but the same shall for all the purposes of this Act be deemed finally revised and corrected so soon as the delay allowed for appealing shall have expired: and no proceeding on such appeal shall be void for want of form;

Judge to hear and determine on such appeal in a summary way.

His powers for that purpose.

His decision to be final.

Costs of appeal.

Proviso: as to evidence.

Proviso: appeal not to affect parts of List not appealed from.

7. After any such List shall have been revised and finally corrected, it shall be restored to the Clerk or Secretary-Treasurer, who shall forthwith correct by it the copy posted up in his Office, and until another shall in a future year be made, revised and corrected in its stead, those persons only whose names are entered upon such List, as finally revised and corrected, shall be entitled to vote at any Election of a Member
 30 of the Legislative Council or Assembly for the City or Municipality for which it was made, or the Electoral Division of which such City or Municipality forms part;

List finally revised to be returned and posted up.

No one not upon it to vote.

8. It shall be the duty of the Clerk or Secretary-Treasurer of any City or Municipality as aforesaid, to furnish to every Deputy Returning Officer acting in such City or Municipality, or in any Ward or Division thereof, a true copy, certified by such Clerk or Secretary-Treasurer, of the List of Voters then last revised and corrected as aforesaid, or of so much thereof as
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Copies of Lists to be furnished to Deputy Returning Officers.

shall relate to the locality for which such Deputy Returning Officer is to act; and such Deputy Returning Officer shall not receive the vote of any person as being a voter qualified by reason of his being entered on any Assessment Roll unless the name of such person shall be found upon the copy of the said List furnished to him. 5

No voting where no List.

9. No voting shall be taken nor any Poll be held in any Municipality in which no list of voters shall have been made.

MISCELLANEOUS PROVISIONS.

Copies of Lists to be furnished on demand and payment of certain fees.

VI. It shall be the duty of any Registrar of the County or Registration Division, any Clerk of the Peace and any Clerk or Secretary-Treasurer of any City or Municipality or part of any Municipality having the custody of the list of voters of any City or Municipality or part of any Municipality or place, to furnish a certified copy of such lists then last revised and corrected to any person who shall require such copy on being paid for the same by such person at the rate of *three cents* for every ten voters whose names are on such list. 15

Clerks, &c., wilfully altering or falsifying Lists of Voters, to be guilty of felony.

VII. If the Clerk or Secretary-Treasurer of any City or Municipality shall, in making out any certified list of persons entitled to vote at any election of a member to serve in the Legislative Council or Assembly, wilfully insert or omit any name which ought not to have been inserted or omitted, or otherwise alter or falsify the same so that it shall not be the correct list of all persons entitled to vote according to the Assessment-Rolls or (in Lower Canada) to the proper list of voters, as finally revised and corrected, and if any Clerk, Secretary-Treasurer, Returning Officer, Deputy Returning Officer, Registrar, Clerk of the Peace or any other person whose duty it is to deliver copies or have the custody of any certified list of voters as aforesaid, shall wilfully make any alteration, omission or insertion, or in any way falsify any such certified list or copy, every such person shall be deemed guilty of felony, and being convicted thereof shall be liable at the discretion of the Court whose duty it shall be to pass the sentence of the law upon such offender, to be imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding seven years, nor less than two years, or to be imprisoned in any other place of confinement for any term not exceeding two years, or to suffer such other punishment by fine or imprisonment or both, as the Court shall award, and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed, is the property of any person, or that the same is of any value. 20 25 30 35 40

Punishment.

Certain allegations not requisite in Indictment.

At any time before the issuing of a

VIII. If at any time before the issuing of the Writ to hold any Election for a Member to serve in the Legislative Council or Assembly, it shall be made to appear to any Judge of the 45

Superior Court in Lower Canada or to the County Judge or acting Judge of the County Court in Upper Canada, that the Clerk or Secretary-Treasurer of any City or Municipality in making the alphabetical list of persons entitled to vote as aforesaid or the duplicate original thereof, has wilfully or inadvertently omitted or inserted any name which ought not to be inserted or omitted, or otherwise altered or falsified the same, or that such alphabetical list or duplicate original is in point of fact not a correct list of all persons entitled to vote according to the Assessment-Roll as finally revised and corrected, such Judge may require the Clerk or Secretary-Treasurer of the City or Municipality or other officer having the custody of such Assessment-Roll, to appear before him and produce such Roll and alphabetical list and submit to such examination upon oath as may be required of him. And at the time and place appointed for the appearance of such person, the Registrar in Lower Canada or Clerk of the Peace in Upper Canada shall attend before the Judge with the duplicate alphabetical list in his possession. And the Judge may, on inspection of such Assessment-Roll and lists, and with or without further proof at his discretion, make such alterations and corrections in such lists as to him shall seem necessary and proper, in order that the same may be correct lists of all persons entitled to vote according to the Assessment-Roll as finally revised and corrected, and according to the spirit and meaning of this Act.

writ of election, a Judge, on its being shewn that any such list is not correct according to the assessment, may have such list brought before him and corrected.

IX. It shall be the duty of every Returning Officer, upon receiving a Writ to hold any Election for a Member to serve in the Legislative Council or Assembly, to ascertain that every Deputy Returning Officer is in possession of a certified copy of the then last revised and certified list of voters, within the Municipality part of a municipality or Ward of a City for which he shall be Deputy Returning Officer, and if the Clerk of the Municipality is not the Deputy Returning Officer, or if the copy in the possession of the Clerk has been lost or destroyed, the Returning Officer shall procure from the Registrar of the County or Registration Division in Lower Canada, or from the Clerk of the Peace in Upper Canada, a copy certified by him to be correct of the then last list of voters, for such Municipality, part of a Municipality or Ward filed in his office, and shall cause the same to be delivered to the Deputy Returning Officer; and the Returning Officer shall be authorized to include any charge for obtaining such certified copies in the account of the general expenses of holding such Election, furnished by him to the Government.

Returning Officer to see that each of his Deputies is furnished with a proper list of voters.

X. The Deputy Returning Officer, at any Election of a Member of the Legislative Council or Assembly in any part of this Province, shall receive the vote of any person whose name he shall find in the proper list of voters furnished to him, or in his possession as aforesaid; provided such person shall, if required by any Candidate or the Agent of any Candidate, or by

Persons on the List of Voters, to be allowed to vote,—on taking a certain oath, if required.

the Deputy Returning Officer himself, take the following oath or affirmation, which such Deputy Returning Officer is hereby empowered to administer :

“ You swear (*or solemnly affirm*) that you are (*name of voter as entered on the list,*) whose name is entered on the list of voters now shewn to you (*showing the list to the voter*) that you are a subject of Her Majesty by birth (*or naturalization*), that you are of the full age of twenty-one years,—that you have not before voted at this Election, either at this or any other polling place, and that you have not received any thing, nor has any thing been promised to you, either directly or indirectly, in order to induce you to vote at this Election. So help you God.”

No other oath to be taken.

And no other oath or affirmation shall be required of any person, whose name is entered on any such list of voters as aforesaid.

Punishment for falsely personating a voter on the List.

XI. If at the Election of a Member to serve in the Legislative Council or Assembly, any person shall knowingly personate and falsely assume to vote in the name of any other person whose name appears on the proper list of voters, whether such other person shall be then living or dead, or if the name of the said other person be the name of a fictitious person, every such person shall be guilty of a misdemeanor, and on being convicted thereof, shall be liable to a fine not exceeding two hundred dollars, or to be imprisoned for a term not exceeding six months, or both, at the discretion of the Court before whom he shall be convicted.

Deputy Returning Officer must swear Voters in certain cases.

XII. Whenever any Deputy Returning Officer has reason to know or believe that frauds and violence are being practised in violation of the rights of Electors, by which undue votes are tendered, or that any voter is not qualified, or has already voted at the said Election, and offers to vote again, or tenders his vote under a false name or designation, or personates or represents himself falsely as being on the List of Voters, it shall be the duty of such Deputy Returning Officer under penalty of Fifty Pounds currency, to administer the oath authorized by Law to such Voter, whether he be required so to do or not by any party, of which mention shall be made in the Poll Book.

Penalty for not doing so.

Deputy Returning Officer to certify each page of the Poll Book.

XIII. It shall be the duty of each Deputy Returning Officer to write in full at the head of each page of the Poll Book used by him, the number of such page, and to certify the same by his signature, as follows : “ Page Number one, (*or Two, or as the case may be*) A. B., Deputy Returning Officer,” and to certify in full words at the foot thereof, (before entering or causing to be entered any name or vote in the next succeeding page) the first and last name and the total number of names entered

thereon and then to sign the same, which certificate shall be to the effect following: "I certify that the total number of names entered on this page as of voters is _____, whereof the first name is C. D., and the last name is E. F.—Signed, A. B., Deputy Returning Officer;" and also at the close of each days polling to certify under his signature on the said Book, and in full words the true state of the votes at such close to the effect following: "I certify that the number of the votes polled at the close of the first (or second, as the case may be) days' polling is (the total number of votes polled) _____, whereof G. H. a Candidate has polled _____; J. K. a Candidate has polled _____; L. M. a Candidate has polled _____ (as the case may be)—Signed, A. B., Deputy Returning Officer," of person demanding the same before he the said Deputy Returning Officer leaves the polling place for that day.

And the state of the Poll after each day's polling.

And furnish copies on demand.

XIV. Every Poll Clerk shall, after the closing of the Poll at which he shall have acted as such, but before the Deputy Returning Officer who shall have kept the same shall have returned the poll book to the Returning Officer, as herein required, make and subscribe, either before a Justice of the Peace for the county or district in which he resides, or before the said Deputy Returning Officer, or before the Returning Officer himself, the oath in the form A of the schedule hereunto annexed, which oath shall thereafter be annexed to the said poll book; and the Deputy Returning Officer who shall have kept and closed the poll shall, before returning the poll book as aforesaid to the Returning Officer, make and subscribe, either before a Justice of the Peace for the county or district where he resides, or before the said Returning Officer, the oath in the form B of the said schedule, which oath shall thereafter be annexed to the said poll book; and the Deputy Returning Officer shall then return the poll book to the Returning Officer on or before the day fixed for closing the election; and any Deputy Returning Officer or Poll Clerk who shall refuse or neglect to perform any of the obligations or formalities required of him by this section, shall, for each such refusal or neglect, incur the penalty hereinafter mentioned; that is to say: any Deputy Returning Officer, a penalty of fifty pounds currency; and any Poll Clerk, a penalty of twenty pounds currency.

Oath to be made by each Poll Clerk before the poll book is returned.

Oath to be made by the Deputy Returning Officer.

Poll Book to be then returned.

Penalties for neglect, &c.

XV. It shall be the duty of the Deputy Returning Officer to deliver the said poll book personally to the Returning Officer; and in case he is unable to do so by sickness or otherwise, he shall mention on such poll book the name of the party to whom it has been delivered to be so transmitted, and shall take a proper receipt therefor; and any Deputy Returning Officer, failing therein, or in any of the obligations or formalities herein prescribed as to the duties of Deputy Returning Officers and any person having taken charge of the Poll Book and failing to deliver the same in due time and manner, shall

Poll Book to be delivered by Deputy in person, unless in case of sickness, &c.

Penalty for neglect.

be guilty of a misdemeanor and shall incur a penalty of £100 currency, or be imprisoned for a term of not less than six months and not more than one year, or be punished by imprisonment and fine together.

Persons stealing or unlawfully taking, or falsifying documents relating to Elections, &c.

XVI. If any person shall steal, or unlawfully or maliciously either by violence or stealth, take from any Deputy Returning Officer or Poll Clerk or from any other person having the lawful custody thereof or from its lawful place of deposit for the time being, or shall unlawfully or maliciously destroy, injure or obliterate, or make any erasure, addition of names or interlineation of names in, to, or upon, or shall aid, counsel or assist in so stealing, taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names in to, or upon any list of voters or any Writ of Election, or any return to a Writ of Election, or any Indenture, Poll Book certificate, or affidavit, or any other document or paper, made, prepared or drawn out according to or for the purpose of meeting the requirements of this Act or any of them, every such offender shall be guilty of felony, and being convicted thereof, shall be liable at the discretion of the Court, whose duty it shall be to pass the sentence of the law upon such offender, to be imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding seven years, nor less than two years, or to be imprisoned in any other place of confinement for any term not exceeding two years, or to suffer such other punishment by fine or imprisonment or both as the Court shall award; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person or that the same is of any value.

To be guilty of felony: and how punishable.

Certain averments not requisite in the indictment.

Duty of Returning Officer believing any Election document to be altered, &c.

XVII. When the Returning Officer having received any Poll Book, or any document connected with the Election, has reason to believe that the same has been altered, injured or obliterated, or that additions have been made thereto, it shall be his duty to adjourn proceedings and to establish the true facts in the manner provided in case of the loss of any Poll Book, under the twenty-sixth section of the said Act passed in the twelfth year of Her Majesty's Reign.

False swearing, &c., to be perjury.

XVIII. Every person taking any Oath or Affirmation under this Act, who shall wilfully swear or affirm falsely, shall be deemed guilty of perjury.

Abettors punishable as principals.

XIX. Every person who shall aid, abet, counsel, or procure the commission of any misdemeanor under this Act, shall be liable to be indicted and punished as a principal offender.

Commencement of this Act.

XX. This Act shall come into force and effect immediately upon and after the passing thereof, as regards the duties imposed by it on Assessors and other Municipal Officers and the

making, revising and correcting of the Lists of Voters, and all things thereunto relating ; but its provisions, as to the Elective Franchise and the use and effect of the Lists of Voters, shall not apply to any Election for which the first Polling Day shall be before the first day of January, one thousand eight hundred and fifty-nine.

INTERPRETATION.

XXI. Wherever the following words occur in any part of this Act having reference to Lower Canada only, they shall be interpreted as follows : Interpreta-
tion clause.

10 The words "Assessment-Roll" shall signify Assessment-Roll, Valuation-Roll, or any document containing a statement of the Valuation of property in any City, Town or other Municipality.

The word "Assessor" shall signify Assessor, Valuator or other person employed to make the valuation of property in any City or other Municipality.

15 The word "Owner" shall signify proprietor, either in his own right or in the right of his wife, or as usufructuary (*usufruitier*) of a real estate in *fief*, in *censive*, in *franc-aleu*, or in free and common soccage.

FORM A.

REFERRED TO IN THE SIXTEENTH SECTION OF THIS ACT.

Oath of the Poll Clerk after the closing of the Poll.

I, the undersigned, Poll Clerk for the Parish of _____ (or for the Township of _____ or the Union of Townships of _____ or for the _____ Ward or for part of the Parish of _____ or for part of the Township of _____) in the County (Riding, City or Town) of _____ do solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases) do solemnly affirm that the Poll Book kept in and for the said Parish of _____ (or as above, as the case may require,) under the direction of A. B. who has acted as Deputy Returning Officer therein, has been so kept by me under his direction as aforesaid correctly and to the best of my skill and judgment : and that the total number of voters polled in such Poll Book is the number of _____ whereof C. D. a Candidate has polled _____ votes, E. F. a Candidate has polled _____ votes (and so on as the case may be) and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the Polling Place in the said parish of _____ (or as above, as the case may be) as the said votes were taken at the said Poll by the said Deputy Returning Officer.

Signature

J. J.
Poll Clerk.

Sworn (or affirmed) and subscribed before me at
 this day of the month of in the year

Signature

X. Y.
Justice of the Peace.

or
 T. V.

Returning Officer.

or

A. B.

Deputy Returning Officer.

FORM B.

Referred to in the sixteenth section of this Act.

I, the undersigned, Deputy Returning Officer, (or one of the Deputy Returning Officers as the case may be) for the Parish of (or for the Township of or for the Ward or for part of the Parish of or for part of the Township of) in the County (Riding, City or Town) of do solemnly swear (or if he be one of the persons permitted by Law to affirm in civil cases, do solemnly affirm) that to the best of my knowledge, and belief the Poll Book kept for the said Parish of (or as aforesaid as the case may be) under my direction, hath been kept so correctly: and that the total number of votes polled in such Poll Book is the number of , whereof C. D. a Candidate has polled votes, E. F. a Candidate has polled votes, (and so on as the case may be) and that to the best of my knowledge and belief, it contains a true and exact record of the votes given at the Polling Place in the said Parish of (or as above as the case may be) as the said votes were taken at the said Polling Place.

Signature

A. B.,
Deputy Returning Officer.

Sworn (or affirmed) and subscribed before me
 at the day of the month of
 in the year.

Signature

X. Y.,
Justice of the Peace.

or

T. V.,

Returning Officer.

or

A. B.,

Deputy Returning Officer.