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2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act to amend and explain the Act, intituled, "An Act to define the Elective Franchise, to provide for the Registration of Voters, and for other purposes as therein mentioned," so far as respects the Registration of Voters.

Received and read, first time, Friday, 4th
March, 1859.

Second reading, Tuesday, 8th March, 1859.

HON. ATTY. GEN. MACDONALD.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

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

WHEREAS it is in and by the fourth section of the Act passed Preamble.
 in the 22nd year of Her Majesty's reign and intituled "*An Act* 22 V. c. 82.
to define the Elective Franchise, to provide for the Registration of Vo-
ters and for other purposes therein mentioned," amongst other things
 enacted that the Clerk of each Municipality in Upper Canada shall,
 after the final revision and correction of the Assessment Roll, forth-
 with 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 the said Act;
 and that all such lists shall be completed and delivered as thereinbefore
 mentioned on or before the first day of October in each year; And
 whereas doubts have arisen as to the effect of the enactment requiring
 that the said lists should be completed and delivered on or before the
 first day of October in each year; Therefore Her Majesty, &c., declares
 and enacts as follows :

I. It was and is the meaning and intention of the said Act and of True intent of
 the clause hereinbefore recited, that the period therein mentioned within the provision
 which the Lists should be completed and delivered, that is to say the appointing the
 first day of October, in each year, shall be directory only to the Clerk time for the
 of each Municipality in Upper Canada, and that nothing therein con- completion of
 tained is intended to render null, void or inoperative the said Lists, in the List of
 the event of their not being completed and delivered as in the said Act Voters under
 mentioned on or before the period aforesaid, but that the said Lists shall sect. 4.
 be valid and effectual for the purposes of the said Act even though not
 completed and delivered by the said period of time.

II. If any Clerk of a Municipality in Upper Canada shall omit, Penalty for
 neglect or refuse to complete or deliver the said Lists on or before the not complying
 first day of October in each year, according to the directions of the fourth with the said
 section of the said Act, or to perform any of the obligations or formalities section.
 therein required of him, such Clerk for each such omission, neglect or
 refusal, shall incur a penalty of two hundred dollars.

And, for avoiding doubts under those provisions of the said Act which
 relate to Lower Canada, it is declared and enacted as follows :

III. Notwithstanding anything contained in "*The Lower Canada* Valuators or
Municipal and Road Act of 1855," in the Acts amending the same, Assessors, in
 L. C. to insert

certain matters in their Rolls.

or in any Act incorporating any City or Town in Lower Canada, every Assessor, Valuator or other person employed to make the Valuation or Assessment Roll of property in any City, Town, Village, or other local Municipality in Lower Canada, shall insert in such roll, in separate columns and in addition to the information now required by law to be inserted, the actual value of every real property, the annual value of, or income derived or derivable from, every such property, and the names of the owners, tenants or occupants (each in separate columns) of every such property.

Payments in produce, &c., to be reckoned part of the rent.

And whenever the rent, or any part of the rent of any real property is made payable in produce, or otherwise than in money; or any premium is paid, or any improvements are to be made by the tenant, or any other consideration is stipulated in favor of the owner, in reduction of the rent,—the Assessor or Valuator shall take into consideration and allow for such produce, premium, improvement or consideration in establishing the annual rent or value of such property.

Valuation or Assessment Rolls to be attested on oath.

IV. Every Valuation or Assessment Roll, every revised Valuation or Assessment Roll, and every List of Voters, made under the provisions of this Act, of the Acts hereby amended, or of any other Act, shall be subscribed by the person or persons making the same, and attested by his or their oath or affirmation, in the following form:—

The oath.

“I, (or, we severally and each for himself,) do swear (or solemnly declare) that to the best of my (or our) knowledge and belief, the above (here insert title of document as Valuation or Assessment Roll, revised Valuation or Assessment Roll, or List of Voters as the case may be,) is correct, and that nothing has been improperly inserted therein, or omitted therefrom.”

Before whom to be made. False statement to be perjury.

And such oath or affirmation shall be made before a Justice of the Peace, who shall attest the same;—and the wilful making of any false statement in any such oath or affirmation, shall be wilful and corrupt perjury, and punishable as such, as provided by the Interpretation Act, which shall apply to this Act.

If no list exists for any year, the then last list to be taken.

V. If at the time of any election, no list of voters for the current year shall have been made or shall exist, the Returning Officer and Deputy Returning Officers for such election shall be furnished with the List of Voters last made or existing and shall govern themselves thereby; and such list shall have the same effect as if it were the list for the current year.

Persons omitted from the list because they are not on the Assessment Roll, &c., may complain and appeal.

VI. Whenever the name of any voter entitled to have his name entered on the Valuation or Assessment Roll, or on the revised Valuation or Assessment Roll, is omitted from the List of Voters, in consequence of its having been omitted from any such Roll or revised Roll; it was and is the intention of the said Act, that such person should have the same right of complaint and of appeal in order to have his name placed on the said List of Voters, as if it had been omitted from the said List after having been inserted in such Roll or revised Roll.

VII. The word "occupant" in the Act hereby amended shall, in Lower Canada, signify a person occupying property, otherwise than as owner, tenant, or usufructuary, either in his own right, or in the right of his wife, but being in possession of such property and enjoying the revenues and profits arising therefrom:—and the word "tenant" shall include any person who instead of paying rent in money is bound to render to the owner any portion of the produce of such property.

Interpretation
of words
occupant.

Tenant.