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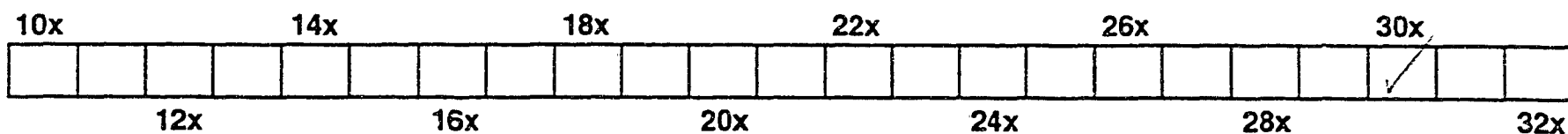
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No. 91.

1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

An Act to extend the Elective Franchise, and better to define the qualifications of Voters in certain Electoral divisions by providing a system for the Registration of Voters.

Received and read a first time, Tuesday, 21st
September, 1852.

Second reading, Tuesday, 5th October, 1852.

HON. MR. HINCKS.

QUEBEC:

PRINTED BY JOHN LOVELL, MONTREAL.

(91)

BILL.

An Act to extend the Elective Franchise, and better to define the qualifications of Voters in certain Electoral Divisions by providing a system for the Registration of Voters.

WHEREAS it is right to extend the Elective Franchise to certain classes of persons who are now excluded from voting at Elections of Members of the Legislative Assembly of this Province, and to provide for the Registration of persons entitled to vote at such Elections in certain Electoral Divisions, and for that purpose to amend the Act now in force in that behalf; Be it therefore enacted, &c.,

Preamble.

That in addition to the persons who may be entitled to vote at Elections of Members of the Legislative Assembly of this Province, under the provisions of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, "*An Act to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act, the several Statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof*," as hereby amended, the following persons being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being by any Act or law prevented from voting as being the holders of any office, or otherwise, shall be entitled to vote at such Elections, that is to say:—

Certain persons qualified to vote in addition to those mentioned in 12 Vic. c. 27.

Every male person entered on the then last Assessment Roll, revised, corrected, and in force in any City, or incorporated Town, as the owner or as the tenant or occupant of real property therein, of the assessed yearly value of pounds shillings currency or upwards, shall be entitled to vote at any Election of a Member to represent such City, or incorporated Town, or any Electoral Division in which it is included :

In cities and in incorporated towns.

Every male person entered on the then last Assessment Roll, revised, corrected and in force in any Parish, Township, or place not being within any City or incorporated Town, as the owner, tenant or occupant of real property of the assessed actual value of pounds currency, or upwards, shall be entitled to vote at any Election of a Member to represent the Electoral Division in which such Parish, Township or place is included :—subject always to the provisions hereinafter made.

In other places.

II. And be it enacted, That whenever two or more persons shall, whether as being partners in business, joint tenants or tenants in common, or *par indivis*, be 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 be entered on the list of Voters

Persons holding as tenants in common, &c., may vote. Exceptions.

in respect of such property, if the value of his part or share, be or upwards or the yearly value of his part or share be or upwards; except that if the property be held by any body corporate no one of the members thereof shall be thereby entitled to be entered on the list of Voters in respect of such property. 5

No person to vote on property on which rent or purchase money to the Crown is over due and unpaid, &c.,

III. And be it enacted, That no person shall, either under the provisions of this Act or those of the Act hereinbefore cited, be held qualified to vote at any such election as aforesaid, as the owner or as the occupant or tenant of any real property, on which any instalment of purchase money or any rent or other sum of money which he may have undertaken to pay to the Crown, shall be over due and unpaid at the time of such election, or as the owner or occupant of any real property belonging to the Crown and which he shall hold or occupy without authority from the Crown, whatever be the value of such property; and it shall be the duty of the Commissioner of Crown Lands in the month of _____ in each year, to transmit to the Clerk of each Municipality in this Province, lists of vacant Crown Lands in such Municipality, that is to say of Crown Lands, of which no person shall have received permission to take possession, and also lists of Crown Lands on which instalments of purchase money or rent or any other sum of money shall be over due and unpaid. 10 15 20

Lists to be furnished by Commissioners of Crown lands.

Assessors to enter both owners and occupants on their Rolls.

IV. And be it enacted, That it shall be the duty of each and every Assessor to ascertain by the best means in his power, both the owner and the occupant of all real property entered by him in his Assessment Roll, and to enter the names of such owner and occupant therein, distinguishing them respectively as the owner or occupant, as the case may be; but this provision shall not be construed in any way to alter the law as regards the liability of either the owner or the occupant to pay the assessments on such real property. 25

Clerk to make alphabetical list of voters.

V. And be it enacted, That it shall be the duty of the Clerk of the Municipality in which any such Assessment Roll shall be made, in Upper Canada, and of the Clerk of the cities of Quebec and Montreal respectively, forthwith after receiving the same from the Assessor, to make out an Alphabetical List of the persons who shall appear by the Assessment Roll to be qualified, either under this Act or the Act hereinbefore cited as hereby amended, to vote at Elections of Members of the Legislative Assembly in respect of property mentioned in such Assessment Roll, distinguishing such persons as appear qualified as owners from those qualified as tenants or occupants, but omitting those who are disqualified under the provision of the *third* section of this Act: and a copy of such list shall be publicly posted up in the office of the said Clerk, for the information of all parties concerned. 30 35 40

How such lists shall be revised and corrected.

VI. And be it enacted, That in Upper Canada the List of Voters made in the manner prescribed by the next preceding Section, shall be subject to revision and correction by the same Court or 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 hereinafter mentioned, and during the period of time provided by law for making applications for corrections in the Assessment Roll; and in the Cities of Quebec and Montreal respectively such members of 45 50

the City Council as shall be designated by any By-law to be passed for for that purpose shall be a Court the 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

5 prescribed by such By-law; and if any person shall deem himself aggrieved either by the insertion or omission of his name in such List, he shall, either by himself or his agent, give notice thereof in writing to the Clerk of the Municipality within the period aforesaid, stating generally in what manner, and for what reasons he

10 holds himself aggrieved; and the complaint shall be tried and determined by the said Court 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

15 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 or of the Act hereinbefore cited, he may file a complaint to that effect with the Clerk of the Municipality within the period aforesaid, stating his complaint and the grounds

20 thereof, and the complaint shall be tried and determined by the Court 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

25 the Municipality, and, if not, such notice shall be openly posted up in the office of the said Clerk 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 Court or authority shall, after hearing such of the parties notified as aforesaid as shall then and

30 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 Court or authority shall have full power 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

35 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 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

40 summons (being tendered compensation for his time at the rate of a day,) he shall thereby incur a penalty of *five pounds* to be recovered with costs to the use of the 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 Court or authority

45 hearing any such complaint as aforesaid 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.

Complaints
how made &c.

Hearing complaints.

Evidence.

Proviso:
Proceedings to
be summary.

50 VII. And be it enacted, That after any such list shall have been revised and finally corrected, and until another shall in a future year be made, revised and corrected in its stead, those persons and those persons only whose names are entered upon such list, shall be entitled to vote

Those persons
and those only
entered on the
List to be entitled to vote.

at any Election of a Member of the Legislative Assembly for the Municipality for which it was made, or the Electoral Division of which such Municipality forms part.

Copies of lists to be furnished to Deputy Returning Officers.

VIII. And be it enacted, That it shall be the duty of the Clerk of any Municipality as aforesaid, to furnish to the Deputy Returning Officer for 5 such Municipality or for any Ward or Division thereof, a true copy certified by such Clerk, of the List of Voters then last revised and corrected as aforesaid, and such Deputy Returning Officer shall not receive the vote of any person whose name shall not be found upon the copy of the said list furnished to him. 10

And to other persons on payment at a certain rate.

IX. And be it enacted, That it shall also be the duty of the Clerk of any Municipality, to furnish a certified copy of the list of Voters then last revised and corrected as aforesaid, to any person who shall require such copy, on being paid for the same by such person at the rate of *one penny* for every ten Voters whose names are on such list. 15

Voters on the List may be required to take a certain oath.

X. And be it enacted, That the Deputy Returning Officer shall receive the vote of any person whose name he shall find on the list of Voters furnished to him as aforesaid, provided such person shall, if required by any Candidate, or the Agent of any Candidate, or by the Deputy Returning Officer himself, take the following oath or affirmation, which such 20 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 upon the List of Voters now shown to you, (*showing the list to the Voter,*) 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 anything, nor has anything been promised to you, either directly or indirectly, in order to induce you to vote at this election. So help your God." And no other oath or affirmation shall be required of 30 any person whose name is entered on any such list as aforesaid.

No other oath required.

What oath may be required of voters entered on Assessment Roll in parts of Lower Canada where lists of voters are not made.

XI. And be it enacted, in those parts of Lower Canada other than the Cities of Quebec and Montreal, any person claiming the right of voting at any Election of a Member of the Legislative Assembly, as being entered on any Assessment Roll, as the owner or occupant of any real property 35 assessed, at or above the actual value of or the yearly value of as the case may be, shall, if thereunto required by any Candidate, or by 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 your name is entered on the Assessment Roll now in force for the (*name of the municipality*) as the owner, (*or occupant*) of (*describe the property sufficiently to identify it*) which said property is assessed on the said Assessment Roll at the actual (*or yearly*) value of £ , that you are lawfully in possession of the said lot, and 45 that you are not indebted to the Crown for any rent or instalment of purchase money due thereon; that you are a subject of Her Majesty by birth (*or by 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 at any other polling-place; and that you have not received anything, nor 50

has anything been promised to you, either directly or indirectly to induce you to vote at this election; So help your God":—and no other oath or affirmation shall be required of any person claiming to vote as being entered on any such Assessment Roll as aforesaid. No other oath required.

5 XII. And be it enacted, That from and after the day Parts of 12
 1853, so much of the Act first above cited, as would require that any other Vic. cap. 27
 oath than those hereinbefore prescribed, should be taken by any Voter at repealed.
 any Election in Upper Canada, or in the City of Quebec, or in the City of
 10 Montreal, or by any Voter claiming the right of voting at any Election
 in any other part of Lower Canada, as being entered on any Assessment
 Roll as aforesaid, or that the property on which any such Voter claims
 the right of voting should be of the required value over and above all
 15 rents and charges payable out of or affecting the same, or should have
 been held by such Voter during any certain time previous to the Election,
 or that any rent should have been paid by such Voter, or that he should
 have resided in any place during a certain time previous to the Election,
 or that he be resident in any place at the time of the Election, shall be
 repealed, together with so much of any other part of the said Act as
 20 said Act as contains the forms of oaths to be taken by Voters at any
 Election in Upper Canada; but Voters in any other place in Lower
 Canada than the Cities of Quebec and Montreal, not claiming the right
 of voting as being entered on any Assessment Roll as aforesaid, shall
 25 be required to take any of the oaths of qualification therein prescribed.

XIII. And be it enacted, That this Act shall come into force, and effect When this
 upon from and after the first day of January, 1853, as regards the duties Act shall
 imposed by it on Assessors and Clerk of Municipalities, and the making come into
 revising and correcting of the Lists of Voters, and all things thereunto force.
 30 relating, but its provisions as to the use and effect of the Assessment Rolls
 and Lists of Voters, shall not apply to any Election for which the first
 polling-day shall be before the said day of 1853.