



ANNO NONO

VICTORIÆ REGINÆ.

CAP. XLIII.

An Act to amend an Act therein mentioned, and to make better provision for the Election of Councillors and Assessors of and for the City of Montreal.

[9th June, 1846.]

**W**HEREAS it is necessary to secure the peaceable Election and Return of Councillors and Assessors of and for the City of Montreal, and to guard and protect the inhabitants in the exercise of their Municipal franchise; And whereas it is necessary for that purpose to amend an Act passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance amending that Ordinance, and to vest certain other powers in the Corporation created by the said first mentioned Ordinance*, in the manner hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the election of Councillors and Assessors, of and for all and each of the Wards of the said City of Montreal, shall be held at the place and places and by and before the persons hereinafter mentioned, and the votes at such elections shall be given and the proceedings thereat conducted in the manner hereinafter prescribed, and that so much of the Act first above cited as makes any other provision than is made by this Act, in any matter hereby provided for, shall be and is hereby repealed.

Preamble.

Act 8 Vict. c. 59, cited.

Election of Councillors and Assessors to be as hereby provided, notwithstanding the said Act.

II. And be it enacted, That at each election of a Councillor or Councillors, Assessor or Assessors, held after the passing of this Act, for the St. Mary's Ward, the St. James Ward, the St. Louis Ward, the St. Lawrence Ward, the St. Antoine Ward or the St. Anne's Ward, three polling places in each Ward shall be previously appointed by the Council of the said City, at which the poll shall be taken; and at any such election for the East Ward, the West Ward, or the Centre Ward, two polling places in each Ward shall be so appointed for the like purpose; and one of the said polling places shall be appointed to be the chief polling place.

Two polling places to be appointed in each of certain Wards, and three in each of certain others.

III.

Election Officers to be appointed.

III. And be it enacted, That the said Council shall appoint for each election in any Ward one fit and proper person to be Chief Election Officer, and one or two persons (as the case may require) to be Assistant Election Officer or Officers; and the Chief Election Officer shall make the return and shall preside at the chief polling place, and each of the Assistants shall preside at one of the other places; but no Councillor shall be appointed to either office.

Councillors not to be appointed.

Powers of the Election Officers.

IV. And be it enacted, That except as to declaring the result of the election and making the return or giving any casting vote, each of the said Election Officers shall have the same powers and duties as are conferred by the said Act on the Councillor presiding at any election; and the Chief Election Officer shall have the same powers and duties as are thereby conferred on such Councillors, as to declaring the result of the election, making the return, and giving a casting vote if need shall be.

Public notice of polling places, &c., to be given.

V. And be it enacted, That public notice shall be given by the City Clerk, in both languages, and in at least one newspaper published in the English language, and in one published in the French language in the said City, of the time when and the places where the polls at each election will be held; such notice being given at least three days before the election to which it shall refer; but no want of or defect in such notice shall vitiate any election: Provided always, that nothing herein contained shall be construed to alter the time prescribed by the said Act for the annual elections, or the hours at which the polls shall open or close.

Proviso as to annual elections, and hours of polling.

Provision for closing the election and declaring the result, &c.

VI. And be it enacted, That immediately after the closing of the poll, each Assistant Election Officer shall proceed to the chief polling place and shall deliver his poll list to the Chief Election Officer, who shall thereupon ascertain the total number of votes given for each Candidate at all the polling places, and shall declare such numbers, and shall also declare the Candidate having the greatest number of votes duly elected, and shall make his return thereof to the Mayor and Council of the said City.

Provisions of the amended Act extended to elections under this Act when not inconsistent with it.

VII. And be it enacted, That to the Officers taking such polls, their obligation to act and the penalty to be incurred for refusal or neglect, the appointment and duty of Poll Clerks, the conduct and duties of all persons voting at or attending such elections, and the manner of proceeding thereat, the provisions of the said Act hereby amended shall apply, as if such persons had been appointed under that Act and with reference to some election to be held under the same, or had been voting or attending thereat, or such proceedings had been had at such election, in so far as such provisions can be so applied consistently with the express provisions of this Act; and no provision of the said Act shall be held to be hereby repealed, except only such as may be inconsistent with this Act.

Voters' List to be made by the Assessors, and certified by them.

VIII. And whereas a provision for the registry of voters has been found equitable and convenient: Be it enacted, That before the first day of January in every year the Assessors of each Ward, or any two of them, shall make out from the last Assessment Roll an alphabetical list of the voters qualified to vote at the election of Councillors in that Ward, to be called the "Voters' List," to which they shall add the names of all such persons not on the said Assessment Roll as they know are

are then entitled to vote at such election, according to the provisions of the Act hereby amended, and the said Assessors shall sign such List, certifying that it is correct to the best of their knowledge and belief, (and shall also keep a true copy thereof,) which List they shall deliver to the City Clerk, to be by him submitted to the Board of Revisors.

IX. And be it enacted, That the said List shall be hung up in the City Hall for the examination of all concerned, at reasonable hours, from the first day of January to the first day of February, of which fact the City Clerk shall give immediate public notice either by printed placards or by advertisement in not less than one newspaper published in the English language, and one published in the French language, in the said City; and any person who shall claim to be added to the said "Voters' List," or any Elector who shall desire to have any name erased therefrom, shall prefer his request in writing, signed with his name, stating the Ward to which he belongs, and shall cause the same to be delivered to the City Clerk before the said first day of February.

X. And be it enacted, That at their last Quarterly meeting in every year after the passing of this Act, the City Council shall choose from among their own number four Members of the said Council, who, together with the Mayor for the time being, shall be and constitute a Board of Revisors, any three of whom shall be a *quorum*, to revise the Voters' List as furnished by the Assessors of the various Wards, and decide according to the best of their judgment upon the claims previously made as aforesaid for the insertion or omission of names in or from the said Lists; and the Mayor, or in his absence, such person as the other Members of the Board shall choose at the Meeting, shall preside at such Meeting of the Board, and such Board shall, on their first day of meeting, be duly sworn by one Justice of the Peace for the District of Montreal, well and impartially to perform their duties as such Revisors; and the said Board shall give public notice before their first day of sitting, of the order in which they will take up the Lists of the several Wards, and they shall meet on the first Monday in February, or on the day following, if that day be a Holiday, at ten o'clock in the forenoon, for the purpose of hearing persons concerned in making the said claims and deciding upon them, and shall adjourn from day to day until all the Voters' Lists are revised and settled; and the Mayor or person presiding at the said Board for the time being shall have power to examine persons upon oath respecting the said claims and all matters connected with the revision of the said Lists; and the said Board, after hearing the best evidence of which the cases will admit, shall and they are hereby required to decide upon and make the necessary additions or erasures to or from the said Voters' Lists, in relation to the applications before them; and the said Board shall also have power to correct any mistake or supply any accidental omission made by the Assessors in the said Lists; and the said Lists, so revised and settled, shall be signed by the presiding Officer of the said Board and sealed with the City Seal, and shall be the only correct "Voters' Lists:" Provided always, that the said Lists shall be finally completed before the twentieth day of February: And provided also, that no person's name shall be erased from any of the said Lists without his being informed of the claim to that effect and having an opportunity to be heard in reference thereto.

Lists to be publicly exposed for examination during one month.

Claims how to be made.

Board of Revisors to be appointed, and its duties in revising the Voters' Lists.

Who shall preside.

Board to give notice of their order of proceeding, &c., and shall meet, adjourn, &c., and may hear evidence on oath; and correct the Lists if necessary.

Proviso. Proviso. Persons to be informed of objections to them as Voters.

Publication of  
the revised  
Lists.

XI. And be it enacted, That the Voters' List for each Ward, when so settled and signed, shall be again hung up in the City Hall until the day of election, and then filed in the office of the City Clerk, and certified copies thereof under the City Seal shall be by him transmitted to the election Officers of the several Wards in the City not less than five days before any such election; and that every person whose name shall appear in such Ward List, and who shall produce a certificate as hereinafter mentioned, shall be entitled to vote at the election for such Ward, without any further enquiry as to his qualification, and without taking any oath other than that he is the person named in such List, and has not before voted at such election, which oath the Election Officer is hereby required and authorized to administer.

Persons named  
in them and  
producing cer-  
tificates may  
vote, taking  
only the oath  
of identity.

Voters to ob-  
tain certi-  
ficates and not  
to vote with-  
out producing  
them.

XII. And be it enacted, That on the application of any person whose name shall be on the Voters' List for any Ward, at any time on or before the day of the election for such Ward, the City Clerk shall deliver to such person a Certificate signed by him, that the name of such person is on the Voters' List for such Ward, and that he is entitled to vote at the election to be held for the same on the day named in the Certificate; and such Certificate shall be delivered by the Voter to the Election Officer, and kept by the latter; and no person shall be entitled to vote at the election without producing and delivering such Certificate, although his name be on the Voters' List for the Ward.

Repeal of By-  
laws inconsis-  
tent with this  
Act.

XIII. And be it enacted, That so much of any By-law of the Council of the said City as may be inconsistent with the provisions of the five next preceding sections, shall be and is hereby annulled and made void.

Public Act.

XIV. And be it enacted, That this Act shall be held and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices, and other persons whomsoever, without being specially pleaded.

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