

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 108

An Act to fix the place for holding the Polls for the Election of Members of Parliament in Townships divided into Wards in Upper Canada, and for other purposes relative to Elections. 30th August, 1851.

Whereas it is expedient to determine the places at which Polls shall be held, under 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*, in Townships in Upper Canada, divided into Wards, inasmuch as the said Act provides that such Polls shall in Townships be held at the place where the last Township Meeting was held, and there will be several such places in a Township divided into Wards; And whereas alterations have been made during the present Session in the Territorial divisions of Upper Canada, and it is necessary to make provision for cases arising out of such alterations: 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 in every case where a Poll is to be held under the Act first above cited in a Township divided into Wards, such Poll shall be held at the Town Hall in which the Meetings of the Municipal Council of the Township are held, if there be any such Town Hall, and if there be none, then at the place where the Municipal Council of the Township shall have held its first meeting in the year in which such Poll is to be held, or if the said Council shall not have met during such year, then at the place where it shall have held its last meeting during the next preceding year: Provided always, that if in any case it shall happen that there is no place at which, under the provisions of the said Act and of this Act, the Poll ought to be held, and every union of Townships divided into Words shall be deemed a Township divided into Wards within the meaning of this Act, then the Deputy Returning Officer shall himself appoint the place, selecting such as he shall deem most central and convenient for the majority of the Electors: Provided also, that if in any case there shall be no officer or person who, under the provisions of the eighteenth section of the said Act, ought to be appointed Deputy Returning Officer, then it shall be lawful for the Returning Officer to appoint such person as he may think fit to be Deputy Returning Officer, who shall have all the powers and perform all the duties, and be subject to all the liabilities incident to the said office by virtue of the said Act.

II. And be it enacted, That all the words in the third section of this Act first above cited, after the words "in Upper Canada only" in the beginning of the said section, shall be repealed, and the following words substituted therefor: "That the High Sheriffs for the time being of the several Counties and Unions of Counties for judicial purposes in that part of the Province, shall be *ex officio*

Returning Officers for the Counties and Unions of Counties for purposes of Representation in the Provincial Parliament, over which or over any County in which, their authority as such Sheriffs shall extend, and in which they shall respectively reside, and also for the respective cities and towns sending Members to Parliament and lying within the local limits of such Counties or Unions of Counties; and that for the several other Counties or Unions of Counties for the purpose of Representation, for which no Sheriff shall, under the foregoing provision, be *ex officio* the Returning Officer, the Registrars of Deeds for the time being for such Counties or Unions of Counties, or for any of the Counties included in such Unions of Counties, shall be *ex officio* Returning Officers: Provided always, Firstly, That so long as the County of Peel shall remain united for judicial purposes to the County of York, the Sheriff of that County, or of the Union of which it is a Member, shall he *ex officio* Returning Officer for the County of Peel as well as for the County of York and the City of Toronto; and so long as the County of Ontario shall remain united for judicial purposes to the said County of York, and there shall be no separate Registrar for the said County of Ontario, the Registrar of the said County of York, shall he *ex officio* Returning Officer for the said County of Ontario: And provided also, Secondly, That if in any case there shall be more than one person who may under the foregoing provisions be *ex officio* Returning Officer for any place, then the Writ of Election may be directed to either of them, and the person to whom it shall be directed shall alone act as such Returning Officer; and if in any ease it shall happen that Writs of Election shall issue at the same time, or so nearly at the same time that the one shall not be returnable before the other or others shall issue, for several places for which the same person would, under the foregoing- provisions, be *ex officio* Returning Officer, then only one of such Writs shall be directed to such person, and the other or others to such other person or persons, qualified in the manner provided by the fifth section of the said Act, as the Governor shall appoint to be the Returning Officer or Officers.”

III. And be it enacted, That if in any case it shall happen, either in Upper or in Lower Canada, that there shall be no person, who, under the provisions of the said Act and of this Act, shall be *ex officio* Returning Officer for any place for which an Election is to be held, or the person who is such Returning Officer shall be absent from the Province, or incapacitated from sickness or otherwise from performing the duties of Returning Officer, then it shall be lawful for the Governor to appoint any person qualified under the said fifth section of the said Act to be Returning Officer for such place.